



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Agenda

Christopher B. Coleman,
Mayor

October 5, 2012
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair

Barbara A. Wencil

First Vice Chair

Elizabeth Reveal

Second Vice Chair

Paula Merrigan

Secretary

Daniel Ward II

I. Approval of minutes of September 21, 2012

II. Chair's Announcements

III. Planning Director's Announcements

IV. PUBLIC HEARING: District del Sol Plan - Item from the Neighborhood Planning Committee. (*Kate Reilly, 651/266-6618*)

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

NEW BUSINESS

#12-098-382 Southview Senior Living – Conditional Use Permits for assisted living facility and to increase the surface parking maximum, and variance of alley access standard for residential property. 464-484 Ashland and 493-497 Holly SE corner at Mackubin Street. (*Kate Reilly, 651/266-6618*)

#12-101-124 Twin City Tees – Enlargement of nonconforming use (limited production and processing) and variance of lot area coverage (35% maximum allowed; approximately 57% requested). 938 6th Street East SW corner at Forest. (*Scott Tempel, 651/266-6621*)

#12-101-937 REEMO Gas and Convenience Store – Appeal by Raymond and Susan Cantu of a decision by the Zoning Administrator to approve the site plan for the relocation of the gas pumps and gas island at REEMO Gas and Convenience Store. 1200 Rice Street, SE corner at Maryland Avenue. (*Corinne Tilley, 651/266-9085*)

VI. Saint Paul's Neighborhood Stabilization Program: Update and Recent Accomplishments, presentation by Joe Musolf, PED. (*Joe Musolf, 651/266-6594*)

VII. Comprehensive Planning Committee

VIII. Neighborhood Planning Committee

IX. Transportation Committee

X. Communications Committee

Pat Connolly
Daniel Edgerton
Gene Gelgelu
William Lindeke
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Tony Schertler
Emily Shively
Robert Spaulding
Terri Thao
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

XI. Task Force/Liaison Reports

XII. Old Business

XIII. New Business

XIV. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF OCTOBER 1-5, 2012

Mon (1) _____

Tues (2) _____

3:30- **Comprehensive Planning Committee**
5:00 p.m. (*Merritt Clapp-Smith, 651/266-6547*)

HAS BEEN CANCELLED

(Rescheduled to October 9, 2012)

Weds (3) _____

Thurs (4) _____

5:00 p.m. **Heritage Preservation Commission**

Room 40 City Hall
Lower Level
Enter building on 4th Street
15 W. Kellogg Blvd.

Public Hearing/Permit Review

385 Portland Avenue, Hill Historic District, by Becker Building and Remodeling LLC, for a building permit to construct a new dormer and add a balcony and door to an existing dormer on the east elevation. File #13-001 (*Spong, 651/266-6714*)

Historic Resource Review

877 Wilson Avenue, Historic Resource Review on a nuisance property declared by the Department of Safety and Inspections, Division of Code Enforcement. The property is a Vacant Building Category 3 and has been issued an order to abate. State Inventory #RA-SPC-1120. (*Boulware, 651/266-6715*)

New Business

District del Sol Master Plan, by the Department of Planning Economic Development, to adopt a resolution with recommendations for the Planning Commission and City Council. File #12-DDSMP. (*Spong, 651/266-6714*)

Committee Reports

Education Committee (*Ferguson, Trout-Oertel*)
3M Advisory Committee/Workgroups update (*Trimble, Mazanec*)

Fri (5) _____

8:30- **Planning Commission Meeting**
11:00 a.m. (*Donna Drummond, 651/266-6556*)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

PUBLIC HEARING: District del Sol Plan – Item from the Neighborhood Planning Committee. (*Kate Reilly, 651/266-6618*)

Zoning..... SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

NEW BUSINESS

#12-098-382 Southview Senior Living – Conditional Use Permits for assisted living facility and to increase the surface parking maximum, and variance of alley access standard for residential property. 464-484 Ashland and 493-497 Holly SE corner at Mackubin Street. (*Kate Reilly, 651/266-6618*)

#12-101-124 Twin City Tees – Enlargement of nonconforming use (limited production and processing) and variance of lot area coverage (35% maximum allowed; approximately 57% requested). 938 6th Street East SW corner at Forest. (*Scott Tempel, 651/266-6621*)

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Informational Presentation.... Saint Paul's Neighborhood Stabilization Program: Update and Recent Accomplishments, presentation by Joe Musolf, PED. (*Joe Musolf, 651/266-6594*)

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes September 21, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, September 21, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Perrus, Shively, Thao, Wang, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Nelson, Ochs, Oliver, Spaulding, and Ward.

Commissioners Absent: Mmes. *Porter, *Reveal, and Messrs. *Schertler, and *Wickiser.
*Excused

Also Present: Donna Drummond, Planning Director; Don Ganje, Department of Parks and Recreation; Lucy Thompson, Patricia James, Kate Reilly, Bill Dermody and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes for August 24, 2012 and September 7, 2012.

MOTION: *Commissioner Thao moved approval of the minutes of August 24, 2012. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

and

MOTION: *Commissioner Thao moved approval of the minutes of September 7, 2012. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl announced that she and a number of commissioners and staff went on a boat tour of the Mississippi River yesterday that was organized by the Parks Dept. and Mayor's Office. This gave them a chance to preview the sites that would be the subject of today's public hearing. She noted that it was a very good tour and good use of their time.

III. Planning Director's Announcements

Donna Drummond introduced new planning staff member Bill Dermody. He joins the other two new staff people who were introduced at the last meeting and now the planning staff is back up to its full complement.

At City Council there was public hearing on a proposed moratorium and request for a zoning study for west Grand Avenue. Between Fairview and Cretin. This is arising out of concern about a new student apartment that has been approved for the south side of Grand at Finn. The

ordinance implementing the moratorium will be up for final adoption next Wednesday at City Council.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

One item to come before the Site Plan Review Staff on Tuesday, September 25, 2012:

- Episcopal Home 2012 Addition, new mixed use with underground parking, 60 bed nursing facility, 50 units HUD senior housing, 64 unit assisted living, coffee shop at 1890 University Avenue.

Four items to come before the Site Plan Review Committee on Tuesday, October 2, 2012:

- Gerdau, maintenance shop and lab additions at 1678 Red Rock Road.
- American Engineering testing, new testing lab building, revised plans at 5050 Cleveland Avenue North.
- Wedding Shoppe parking lot, new off site parking lot at 1212 Grand Avenue.
- Habitat for Humanity, new office building and parking lot at 1954 University Avenue West.

NEW BUSINESS

#12-098-579 Wilder Foundation – Rezone from RT1 & RM2 Residential to T1 Traditional Neighborhood. 911-941 Lafond Avenue between Victoria and Chatsworth.
(*Kate Reilly, 651/266-6618*)

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, September 27, 2012.

V. PUBLIC HEARING: Great River Passage Master Plan – Item from the Comprehensive Planning Committee. (*Lucy Thompson, 651/266-6578*)

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the Great River Passage Master Plan. Notice of the public hearing was published in the Legal Ledger on September 4, 2012, and was sent to the citywide Early Notification System list and other interested parties.

Lucy Thompson, PED staff, reviewed the vision, key principles, goals, objectives and strategies of the draft Great River Passage Master Plan. The Master Plan is the result of nearly two years' work by City staff and a multi-disciplinary consultant team working with a community steering committee. She clarified the Planning Commission's role, which is to determine consistency of

the Master Plan with the City's Comprehensive Plan. The Great River Passage Master Plan is the City's new vision for how Saint Paul parks and public spaces along the riverfront will be developed, how these public spaces will relate to adjacent private development opportunities, and how riverfront parks will better connect to one another and to the city's neighborhoods. The scale of the vision is broad, and the timeframe for plan implementation is long - 30-50 years.

Commissioner Nelson added that what's being looked at today is the compliance with the Comprehensive Plan and whether there are any conflicts that may require some Comp. Plan amendments.

Ms. Thompson concurred. She noted that the Commissioners have copies at their places of written public comments already received.

Chair Wencil read the rules of procedure for the public hearing.

The following people spoke.

1. Mr. Kent Petterson is in favor of this plan. He urged the Commission to ensure on-going public input regarding the Great River Passage Plan, as well as area plans, district plans and park master plans that will address and implement the specifics of the big ideas in the Great River Passage Master Plan. Mr. Petterson also submitted written comments.
2. John Yust is representing Councilmember Thune. He shares Mr. Petterson's concern about ensuring on-going community input to resolve specific issues or opportunities. As currently written, the Great River Passage (GRP) Master Plan is inconsistent with the District 9 Area Plan, which recommends a vertical connection from Irvine Park down to Shepard Road at Walnut. Mr. Yust also feels that the historic importance of Fountain Cave is not properly recognized in the GRP Master Plan, nor is it adequately considered in visioning for the future of the ADM site.
3. Tia Anderson is representing the Highland District Council. While the Highland District Council is supportive of the plan, there are a few concerns, including: 1) the length and complexity of the plan make it nearly impossible for neighborhood citizens and board members to thoroughly understand and formulate feedback; 2) the planning process was not very inclusive or reflective of citizen input; and 3) the recommendations for increased annual expense, expansion of the Parks Department structure, creation of new authorities and prioritization of funding for new Great River Passage projects raise questions regarding the fiscal soundness of implementing the plan at this time, given an already-strained City budget and a finite tax base. The Highland District Council will continue to review the recommendations of the plan and hope to be involved in the implementation of individual projects. The Highland District Council has submitted written comments and resolutions regarding the plan, which were received previous to this public hearing.

Commissioner Edgerton asked about the process for taking what's in this plan through to implementation.

Don Ganje, Landscape Architect with the City's Parks and Recreation Department, said that the process for implementing the GRP is the same as the City follows on any of the

Parks projects. As funding becomes available, City Parks staff organize a design advisory committee to advise Parks on park design and programming.

Commissioner Connolly asks how the process balances the needs and implicit property rights of someone who lives just a few blocks from the river with someone who might live halfway around the globe (resident vs. visitor).

Ms. Thompson said there are two ways to look at this issue. One is that the GRP Master Plan addresses mostly publicly-owned land, so private property rights at specific locations are not directly impacted. The second is that there is indeed a need to balance the impact of park visitors on those who live close to the Passage, since the Passage is a national/international resource that is located adjacent to and within Saint Paul neighborhoods.

Commissioner Noecker asked whether Parks is actively soliciting funds to implement the GRP Master Plan.

Mr. Ganje responded that Parks is continually looking for funding for their parks system. There is no dedicated source of funds to implement the GRP Plan, but they will continue to pursue funding, most likely on a project-by-project basis.

Commissioner Ochs asked Mr. Ganje to define what a legacy project is, and what a master plan is.

Mr. Ganje responded that a legacy project is a very long-term plan that implements a broad vision. An example is the HWS Cleveland plan for the Grand Rounds and the parks systems in both Minneapolis and Saint Paul. A legacy plan looks far into the future and tries to figure out where we're going to be 100 years from now.

4. Peggy Lynch is Executive Director of Friends of the Parks and Trails of St. Paul and Ramsey County. She said that the river is the city's greatest natural resource and making the river our front yard and encouraging access to the river will bring beauty and enjoyment to our residents and visitors to the community. They are pleased with the Great River Passage Master Plan as it outlines its vision and objectives to fulfill that vision. However, the sections starting with the Four Reaches spell out specifics, which they feel do not belong in the Comprehensive Plan. They also recommend that the proposal for an Environment Education Center at Watergate Marina be removed. The proposed Environmental Education Center is in the floodplain of the Mississippi River, and Saint Paul should not be building an education center in the floodplain. In planning for development near the river, we must respect the hydrology of the river. The Friends want to continue to work with the Parks Department as the plan is further developed and implemented. They think the vision in the Great River Passage will enhance the city. Ms. Lynch has submitted written comments as well.
5. Paul Labovitz is Superintendent for the National Parks Service/Mississippi National River and Recreation Area (MNRRA). The MNRRA is one of 397 units of the national parks system. He congratulated Saint Paul for the Great River Passage Master Plan. The vision for what the Saint Paul riverfront should look like over the next 30-50 years fits nicely with the goals of the National Park Service (NPS), which is concerned with what

the river is going to look like in 100, 500 or 1,000 years. The NPS constantly wrestles with maintaining a balance between protecting a natural resource and making it accessible to people from around the globe. The National Park Service is very excited about the concepts presented in the Great River Passage Plan.

Commissioner Ward encouraged Mr. Labovitz to participate in the discussions at the district council level in order to help residents understand how this long term planning process works.

Mr. Labovitz said that he attended and provided testimony at three district council meetings about the Great River Passage over the winter, and part of his congratulations on the public process was his ability to see first-hand the Saint Paul Parks and Recreation's efforts to reach out. Mr. Labovitz stated that he would be glad to talk more about what they can do to help the City.

6. Katie Nyberg is Executive Director of the Mississippi River Fund (MRF), the charitable non-profit partner of the National Park Service. Ms. Nyberg stated that the mission of the MRF is to connect the people of the Twin Cities to their national park. There is no better place to do that than in Saint Paul. The MRF Board wholeheartedly supports the plan and its concepts. They are pleased with the level of community engagement over the past two years. They have the utmost faith in the City to continue to work with communities and residents to make sure that details on specific projects are worked out.
7. Dan McGuinness is a board member of the Lower Phalen Creek Project and the St. Paul Riverfront Corporation, but spoke on his own behalf. He encouraged adoption of the GRP Master Plan as an amendment to the Saint Paul Comprehensive Plan. The current version of the master plan is a result of a long and deliberative process. He offered three guidelines as the Plan is adopted and implemented: 1) It is not only about what you see from the land looking toward the river, but what you see from the river as well. 2) Take care of what we have and keep the health of the river in mind. 3) This city's strength is derived from the interwoven fabric of people, neighborhoods, and district councils, elected and appointed public officials and professional staff. We all need to be committed to taking care of this place we love – the great City of Saint Paul and the Great River Passage that is its central feature. Mr. McGuinness also submitted his written comments.
8. Kelly Jameson, representing the St. Paul Port Authority, thanked the Parks Department for the process that this plan went through to bring it to its current form. The draft before the Planning Commission today is a collaboration of many different interests and is a really good plan for the Mississippi River area. However, the Port Authority has two concerns: 1) The Port Authority appreciates that the Working River is recognized as a part of the "more urban" principle in the Plan, but has some concerns over a couple of the areas designated as River-Oriented Redevelopment Opportunities. There are some businesses in the Crosby Lake Business Park that are not located on the river and should not be required to be river-oriented to remain where they are. 2) For the Riverview Industrial Park, the Port feels that the Plan's recommendations to increase density and land use mix in Riverview are premature, and should be addressed as part of the upcoming update of the West Side Flats Master Plan and Development Guidelines. The Port Authority's written comments will be emailed following this public hearing.

9. Don Arnosti represents the National Audubon's Society members both across the state of Minnesota, but particularly the Saint Paul Audubon Chapter. Mr. Arnosti was very impressed with the efforts made to engage diverse people, communities, district councils and residents. Audubon supports the balance between more natural, more urban and more connected which is reflected in the Great River Passage Master Plan; supports the vision of the Gorge, Pig's Eye and Lilydale as more natural; and urges the Planning Commission to adopt this master plan. Audubon has confidence in the City and Parks Department to work further with communities and individuals to work out the specific details as projects move forward. Audubon and the local chapter will participate in the development of some of those details.
10. Austin Aho is the business owner of Stand Up Minnesota, which offers stand-up paddle board tours on the Mississippi River. Small companies like his have a lot of passion and commitment to the river to improve natural resources and people's access to them. He would like to see opportunities for input from private organizations as plans and projects evolve.

Commissioner Edgerton commented that he has heard a lot of confusion as to the process for adopting and implementing the GRP Master Plan. Perhaps a graphic (like the one showing the adoption process) showing what happens after the Plan is adopted would be helpful.

11. Whitney Clark is Executive Director of Friends of the Mississippi River. They have participated very extensively in this process and generally have been pleased with the process. Overall, FMR is very supportive of the major thrust of the plan. The current draft contains some excellent ideas for the restoration of Hidden Falls and the creek below the falls, but it does not contain any language relating to the restoration of Hidden Falls Creek on top of the bluff, and they would like to see that. At Watergate Marina, they are concerned that the plan does not currently contain language that speaks to the limits of new development on that site. They request additional plan language to state that the site will be sensitively designed and scaled to minimize intrusion on the natural characteristics of the park and river. Also, Island Station is not sufficiently detailed in terms of how it connects to West 7th. There remain some details to work through, but Friends of the Mississippi River are confident the City is well on its way to advancing a plan deserving of the rich history, diversity, beauty and ecology found throughout Saint Paul's riverfront. Mr. Clark will submit written comments via email after the public hearing today.
12. Patrick Seeb is Executive Director of the St. Paul Riverfront Corporation. The Riverfront Corporation supported, assisted and provided staff capacity to the City of Saint Paul Parks Department during this process, particularly around community engagement. What really distinguishes this work from anything else that has happened along the river is that this looks at the entire system and tries to understand how all parts of the system work together to create and take advantage of this international resource. This work builds on 20 years of reinvestment in the Mississippi River. While this is primarily a Parks plan, it does so with the idea of the role parks play in economic and community development. He thanked everyone for their time and attention to this issue.

13. Jeff Jones is a new member of the steering committee for the Lower Phalen Creek Project focused on building a world class interpretive center at the Bruce Vento Nature Sanctuary. Mr. Jones looks forward to the day when downtown really embraces the river. In regards to Mounds Park, all summer the park is full of people on the weekends, and there is a small detail on a page in the document that talks about restoring the views from overlooks. The plan calls for strategic management of overlook views along the river, which is great for residents because some of the people who come to Mounds Park may not realize that there is a river down there.

MOTION: Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, September 24, 2012 and to refer the matter back to the Comprehensive Planning Committee for review and recommendation. Commissioner Ochs seconded the motion. The motion carried with 1 abstention on a voice vote.

VI. Comprehensive Planning Committee

Commissioner Merrigan announced that the next Comprehensive Planning Committee meeting on October 2nd has been cancelled and rescheduled to October 9, 2012.

VII. Neighborhood Planning Committee

Commissioner Merrigan announced that the next Neighborhood Committee meeting on Wednesday, September 26, 2012 has been cancelled.

VIII. Transportation Committee

Commissioner Spaulding announced that at their last meeting they discussed the Complete Streets Design Manual. There was a lot of good input from community members and City staff from a variety of perspectives who deal with street design issues so that all modes could be embraced in street design going forward. The next Transportation Committee meeting on Monday, September 24, 2012 has been cancelled.

IX. Communications Committee

No report.

X. Task Force/Liaison Reports

None.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 10:19 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission

PED\Butler\planning commission\minutes\September 21, 2012



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6626
Facsimile: 651-228-3341*

Date: September 28, 2012
To: Planning Commission
From: Kate Reilly, City Planner (266-6618)
Re: District del Sol Small Area Plan Public Hearing

The Planning Commission will hold its public hearing on the District del Sol Small Area Plan on October 5, 2012. Notice of the hearing has been sent to the City's Early Notification System list, posted on the City's Web site, and noticed in the Saint Paul Legal Ledger. At the time this memo was written there had been no written testimony submitted. Any written testimony received prior to the meeting on October 5 will be provided to Commissioners at that meeting.

Background

On September 8, 2010, the Riverview Economic Development Association (REDA) requested that the City initiate a small area plan for the area known as District del Sol. In November, the Planning Commission initiated the plan and established a neighborhood task force to develop recommendations for the plan. The task force was chaired by a planning commissioner (David Wickiser) in coordination with REDA Staff. Four public meetings/design workshops were held during the process to garner support for the plan and to help guide the vision.

The District del Sol Small Area Plan developed by REDA and the community-based task force were adopted by REDA and the West Side Community Organization (WSCO) in May 2012 and are now being submitted to the Planning Commission and City Council for consideration and adoption. Objectives and strategies in the plan address commercial and residential real estate (both buildings and vacant property), multi-modal streets, pedestrian-oriented improvements, and land use.

The draft District Del Sol Small Area Plan, to be considered for adoption as an addendum to the Saint Paul Comprehensive Plan, was modeled partially on the "Smith Avenue Revitalization Plan" adopted by the City in 2011. The draft plan has been reviewed by affected City departments (PED, including the Heritage Preservation Commission staff; Public Works, and Parks and Recreation) for consistency with City policies and the Comprehensive Plan.

REVISED

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, September 27, 2012 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF SEPTEMBER 13, 2012, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

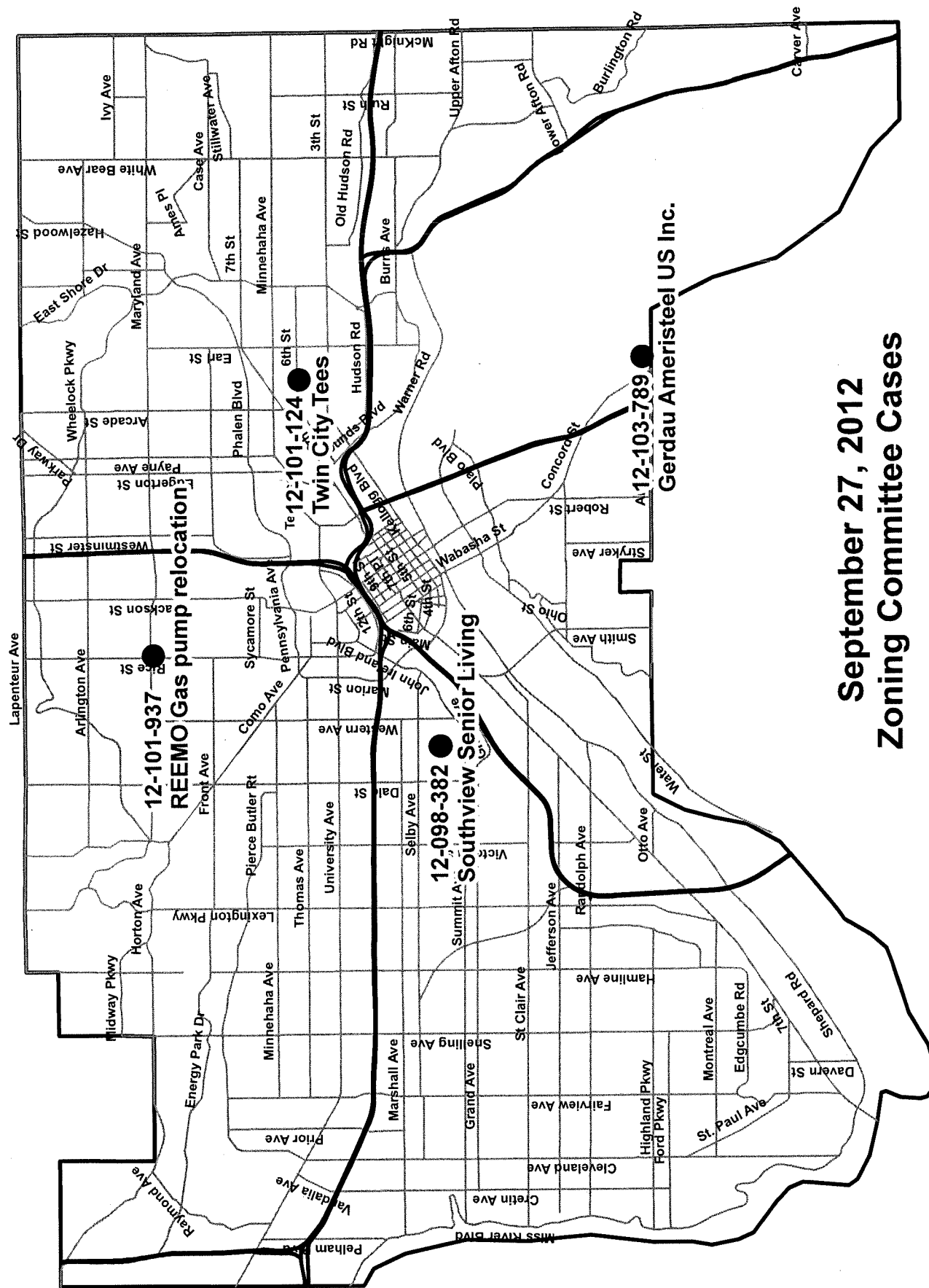
- 1 12-098-382 Southview Senior Living**
Conditional use permits for assisted living facility and to increase the surface parking maximum, and variance of alley access standard for residential property
484-494 Ashland, 88 Mackubin St, and 493-497 Holly, SE corner at Mackubin St
RM2
Kate Reilly 651-266-6618
- 2 ~~12-103-789 Gerdau Ameristeel US Inc.~~**
~~Conditional use permits for outdoor recycling processing center and for use of a method other than fill to elevate a structure above the regulatory flood protection elevation and variance of site access more than two feet below RFPE~~
~~740-780 Barge Channel Road, SE of Midwestern Railroad~~
~~I2~~
~~Josh Williams 651-266-6659~~
- 3 12-101-124 Twin City Tees**
Enlargement of nonconforming use (limited production and processing) and variance of lot area coverage (35% maximum allowed; approximately 57% requested)
938 6th St E, SW corner at Forest
RT1
Scott Tempel 651-266-6621
- 4 12-101-937 Reemo gas pump relocation**
Appeal by Raymond and Susan Cantu of a decision by the Zoning Administrator to approve the site plan for the relocation of the gas pumps and gas island at REEMO Gas and Convenience Store
1200 Rice St, SE corner at Rice St.
B2
Corinne Tilley 651-266-9085

ADJOURNMENT

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



September 27, 2012 Zoning Committee Cases

Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Southview Senior Living **FILE #:** 12-098-382
 2. **APPLICANT:** Ramsey Hill Senior Living LLC **HEARING DATE:** September 27, 2012
 3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
 4. **LOCATION:** 484-494 Ashland; 493-497 Holly and 88 Mackubin St, SE corner at Mackubin St
 5. **PIN & LEGAL DESCRIPTION:** 01.28.23.24.0043 through 0046, Woodland Park Addition to St Paul, Western 15 feet of Lot 6 and Lots 7 Thru 14, Block 14
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2
 7. **ZONING CODE REFERENCE:** § 61.501; § 61.601; § 61.202(b); § 63.207(c); § 63.310; § 65.180
 8. **STAFF REPORT DATE:** September 6, 2012 **BY:** Kate Reilly
 9. **DATE RECEIVED:** August 27, 2012 **60 DAY DEADLINE FOR ACTION:** October 26, 2012
-

- A. **PURPOSE:** Conditional use permits for assisted living facility and to increase the surface parking maximum, and variance of alley access standard for residential property
- B. **PARCEL SIZE:** Four parcels: two fronting on Ashland 340 ft. x 140 ft. or 47,600 square feet and two on Holly 105 ft. x 143 ft. or 15,015 square feet for a total of 62,615 square feet.
- C. **EXISTING LAND USE:** H-Nursing Home (vacant)
- D. **SURROUNDING LAND USE:**
 - North: Large one- and two-family homes with some multi-family residential (zoned RM2 Multiple-Family Residential)
 - East: Townhomes and one- and two-family homes with some multi-family residential (zoned RT2 Townhouse Residential and RM2)
 - South: Large one- and two-family homes, with some multi-family residential (zoned RT2)
 - West: Large one- and two-family homes, with some multi-family residential (zoned RT2 and RM2)
- E. **ZONING CODE CITATION:** § 65.180 lists general requirements for assisted living facilities and references §65.182 Nursing Home; § 63.207(c) sets the off-street surface parking maximum and provides for increasing the surface parking maximum with a conditional use permit; § 63.310(e) provides alley access standards for residential property; § 61.501 lists general requirements for all conditional uses; § 61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.
- F. **HISTORY/DISCUSSION:** The Saint Paul's Church Home complex at the southeast corner of Ashland and Mackubin essentially is composed of two structures, one constructed in 1896 and one constructed in 1960, with a large three-story addition to the rear constructed in 1985. The 1896 building is categorized as contributing to the local Historic Hill District and the National Register Historic Hill District. The Heritage Preservation Commission is reviewing this project. The structure has been used as a nursing home since at least 1960. Zoning records suggest that the use has been in existence since at least 1942 (Z.F. #1173). According to historical zoning records, a conditional use permit was approved in 1982 for a nursing home (Z.F. #9246).
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 8 had not made a recommendation that the time this staff report was prepared.
- H. **FINDINGS:**
 1. Ramsey Hill Senior Living proposes a 61-unit assisted living facility in the 1896 building at 494 Ashland and in a new addition. The applicant will re-use the existing 14,419 square foot historic 1896 building on the site. The 1960 and 1985 additions will be removed and replaced with a 14,970 square foot addition and related gardens and terraces.
 2. §65.180 *Assisted living*, refers to §65.182 *Nursing home*, for standards and conditions. There is one standard that applies, standard (a), *The yard requirements for multiple-family uses in the district apply*. This condition is met. The historic 1896 building that will remain has an existing,

legal non-conforming 12' 8" front yard setback from Ashland Ave. The proposed addition will have the same 12' 8" setback from Ashland Ave., consistent with §62.105, *Nonconforming structures with conforming uses*, which provides, "A nonconforming structure may be enlarged or altered so long as such enlargement or alteration does not increase the nonconformity."

3. §63.207(c) *Off-street parking maximum* sets the standard off-street surface parking maximum at 170 percent of minimum and permits a use to increase the maximum further with a conditional use permit based on demonstration of need.

The applicant has applied for a conditional use permit to increase the surface parking maximum. The site plan provided by the applicant shows 45 off-street surface spaces for use by visitors and employees of the facility. The minimum number of spaces required is 20. The maximum number of surface parking spaces allowed without a conditional use permit, 170 percent of 20, is 34. The applicant has applied to increase the surface parking maximum by 11 spaces to 45 surface parking spaces. These spaces consist of 26 spaces in the surface parking lot adjacent to the structure and 19 spaces along the alley to the south of the structure. The applicant states that the additional spaces are needed to be sensitive to limited existing on-street parking in the neighborhood. There are 30 employees at the facility who will park over three shifts. The first shift will have 18 employees, the second nine and the third three (overnight). Parking for employees is provided along the alley and in the lot to the south of the property. The projected number of visitors each day is 15, with visitors staying for an hour. Visitors may visit the facility between 8 a.m. and 8 p.m. each day.

4. The Planning Commission has developed a list of factors to inform and assist in its review of applications to increase the surface parking maximum and to help determine the need for the proposed additional parking and conformance with the general standards for a conditional use permit. The first factor is "*Average daily counts to demonstrate parking demand, times and amount of peak demand, and the proportion of users who are employees, visitors, residents, clients, contractors, vendors, interpreters, etc. at those times.*" Based on the information provided by the applicant, peak parking for employees would be during the shift change between the first and second shift. A maximum of 27 employees would park at that time. The maximum of 34 surface parking spaces would leave 7 spaces for guests during the shift change. At peak parking for employees during the first shift, there would be a maximum of 18 employees parking, leaving at least 16 spaces for visitors, with more visitor parking spaces available for the other shifts. This suggests that the maximum number of surface parking spaces allowed without a conditional use permit, 34, would suffice.

The other factors pertain to alternative ways to reduce the need for additional surface parking. In this case, where the maximum number of surface parking spaces allowed without a conditional use permit is enough to meet the need for parking, the other factors do not need to be addressed.

5. §61.501 lists five general standards that all conditional uses must satisfy:

- a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met for the proposed assisted living facility but not for increasing the parking maximum. This is a reuse and expansion of an existing nursing home for much the same purpose, assisted living, and listed on the same line of the use table for residential districts. The proposed assisted living facility is consistent with Comprehensive Plan Housing Strategy 1.1 *Increase housing choices across the city to support economically diverse neighborhoods* and Housing Strategy 2.18 *Support the expansion of housing choices for seniors.* The finding is not satisfied for the conditional use permit to increase the surface parking maximum as stated in Finding 4 and is not in

compliance with the following strategies: Transportation Strategy 2.13b states that parking maximums should be established; Transportation Strategy 2.7(b) seeks to explore *...parking policies that encourage alternatives to the single-occupancy automobile*; Transportation Strategy 2.8 seeks to *create incentives for development in which off-street parking is voluntarily reduced, structured, pervious, or heavily landscaped*. The requested increase in the parking maximum in this case is not consistent with these transportation strategies. It is also not consistent with Land Use Strategy 1.43, which seeks to *explore the use of planning and development tools to increase the production of housing including...parking reductions*.

- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met for both conditional use permit applications. Ingress and egress to the parking on the property will be via the alley and via Holly to a parking lot. The code requires a minimum of 20 spaces, which will be exceeded. This will minimize congestion in the public streets. The applicant has applied for a conditional use permit to increase the surface parking maximum from 34 spaces to 45 spaces.
- c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met for the assisted living facility. The use as an assisted living facility is similar in use to that of the previous nursing home use and is listed on the same line of the use table for residential districts. The assisted living facility will not be detrimental to the existing character of in the immediate neighborhood and it will not endanger the public health, safety and general welfare. This condition is not met for the proposed increase to the surface parking maximum. Increased parking will create additional traffic in the alley which may endanger the public health, safety and general welfare of the neighborhood.
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met for the assisted living facility and for the proposed increase to the surface parking maximum. The uses are similar to the previous use and will not impede the normal and orderly development and improvement of the surrounding property.
- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met for the proposed assisted living facility. § 65.182 cites the yard requirements for multiple-family uses in the district, addressed in finding 2 above. § 66.231, the density and dimensional standards table for residential districts also sets a maximum height for the RM2 Multiple family district of five stories or 50 feet. In this case the building will be three stories and 46' 6" above grade at the highest point. § 66.232 sets a maximum lot coverage of 35% for residential districts. The proposed development will have a lot coverage of 30.4%.

This condition is not met for the proposed increase to the surface parking maximum from 34 spaces to 45 spaces because § 63.310 (e) *Alley access from residential property* provides that parking facilities with seven (7) or fewer parking spaces may be directly off of the alley and the maneuvering lane may include the alley would not be met. The applicant has requested a variance to allow 19 parking spaces directly off of the alley and to use the alley as a maneuvering lane. Conformance of the requested variance with the required findings to grant a variance prescribed in MN Stat. 462.357 is addressed in finding 6 below.

6. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:

(a) *The variance is in harmony with the general purposes and intent of the zoning code.* This

finding is not met. § 63.310 (e) *Alley access from residential property* allows parking facilities of seven (7) or fewer parking spaces to be directly off of the alley and to use the alley as a maneuvering lane. The applicant has requested that 19 spaces be directly off of the alley and use the alley as a maneuvering lane. The intent of the limit of seven spaces using the alley as a maneuvering lane pertains to alley safety and congestion. The site has legal non-conforming status for 10 parking spaces using the alley for a maneuvering lane. Increasing this to 19 spaces is inconsistent with the intent of the code.

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan seeks to promote the redevelopment of vacant sites (Land Use Strategy 2.2). A variance to allow more parking spaces to use the alley for maneuvering is also consistent with comprehensive plan policies to reduce the size of off-street parking lots to promote more efficient land use, improved aesthetics and environmental quality.
- (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is not met. Based on the projected parking numbers provided by the applicant, it appears that adequate employee and visitor parking for the site can be provided without a variance.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is not met. There are 10 spaces already located directly off of the alley. The applicant seeks to increase this number by 9. Based on the projected parking numbers provided by the applicant, it appears that adequate off-street parking can be provided without a variance.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The use is parking for an assisted living facility, both of which are permitted uses in the RM2 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. There are already 10 parking spaces provided with alley access. An additional nine spaces will not alter the essential character of the area, which is residential in nature, with some larger multi-family structures throughout.

I. STAFF RECOMMENDATION:

Based on the above findings, staff recommends approval of a conditional use permit for the proposed assisted living facility subject to the condition that the Heritage Preservation Commission approves the design of the facility.

Based on findings 4, 5(a,c,e) and 6(a-c) staff recommends denial of a conditional use permit to increase the surface parking maximum, and denial of a variance of the standard in §63.310(e) to permit more than the existing 10 parking spaces located directly off the alley and to use the alley as a maneuvering lane.

HARRISS ARCHITECTS

3207 Central Ave NE, Minneapolis MN 55418 p: 612.339.2190 f: 612.339.4783

August 24, 2012

Re: Variance and Conditional Use Permit for 494 Ashland Avenue

For: Ramsey Hill Senior Living, Zoning File # 12-087-317

This letter will serve as supporting information for the Conditional Use Permit for Assisted Living in the RM-2 District.

Currently, the requirements of 66.231 require a lot area of 1,500 sf per dwelling unit. The facility, as proposed, consists of 61 units on 63,792 square feet. As an assisted living use is permitted as a conditional use in the RM-2 district, this requirement seems to be at odds with the facility requirements of assisted living.

Ramsey Hill Senior Living is an assisted living facility that will house residents who are in need of a specific type of care based upon mild to moderate memory loss. Residents dine in congregate dining areas on each floor. These dining areas are served by a central kitchen on site. No residents are permitted to have their meals in their units. It is an important aspect of their care that they dine in a congregate setting.

The vast majority of the residential units are 500 sf or fewer. We have attached as part of this application the floor plans and a tabulation of the unit sizes. While each unit has a kitchen, they are not intended for meal preparation. The units have stoves, but they are locked out, so the residents really only have a refrigerator and sink. Essentially, these are rooms within a larger facility that includes common spaces for dining and community activities.

The Ramsey Hill Senior Living is not a facility that will provide a continuum of care. In other words, unlike many other facilities, this building will not house a mix of independent, assisted living and memory care. This facility will be 100% devoted to memory care, with no residents dining in their units.

Because none of the residents will be driving, we believe that there should be no concern about traffic generated from the facility. That being said, the Owner is interested in providing as much parking as possible; for staff and visitors, so that any concerns that the neighborhood may have regarding parking will be alleviated. This will allow the maximum number of off street spaces to

be dedicated to the residents of the neighborhood. Ramsey Hill Senior Living will instruct all visitors and staff to park only in the parking spaces owned by the facility.

Clearly, the Zoning Code as currently written is not in step with current practices in the Senior Housing Market. The average age for residents in all assisted living facilities is over 80 years old. Very few of these residents prepare their own meals or drive. The size of units in these facilities (not including independent living) average from 350 to 750 sf. If assisted living is a permitted conditional use in the RM-2 District, then the City should consider revising the ordinance to more accurately reflect the area requirements for Assisted Living dwelling units, and the age of the residents in these facilities.

We currently are depicting 26 parking spaces on the south parcel, in the area that is currently a parking lot. These spaces will be used for staff parking, primarily, and will be brought up to District standards and City Zoning Standards. The 19 spaces at the rear of the building will be used by visitors. These spaces are intended to alleviate traffic congestion in the neighborhood. In addition, it will free up valuable parking spaces on the street with the current neighborhood residents. It is the position of the Owner that the additional parking will benefit the neighborhood, and will not generate any significant congestion in the alley. There are simply not enough visitors to have this be a concern. Also, the average stay of each visitor is approximately one hour, and visiting hours are spread out throughout the day, so there will not be a lot of frequent arrivals and departures. We believe that the neighborhood will be supportive of our request for additional parking.

There is no economic benefit for the Owner to have additional parking. The additional parking will add to the construction and maintenance costs of the facility. The additional parking is there as a consideration to the neighborhood residents.

We strongly believe that The Ramsey Hill Senior Living facility will not have adverse impact on the neighborhood, and will be a positive force in the community for years to come. In addition, the taxes generated by this facility will be a major benefit to the City. The intention of the ordinances are to alleviate both potential traffic congestion, and undue stress on community infrastructure. Given the true nature of this facility, these concerns do not apply in this case.

HARRISS ARCHITECTS

3207 Central Ave NE, Minneapolis MN 55418 p: 612.339.2190 f: 612.339.4783

To: Kate Reilly, St. Paul PED

RE: Conditional Use Permit to increase the off-street parking maximum for the Ramsey Hill Senior Living Project

Ramsey Hill Senior Living, LLC is requesting that the City Of St. Paul allow additional parking for their Project: Ramsey Hill Senior Living. The reason for this request is simple: The Owner is sensitive to the limited existing on-street parking in the neighborhood. He does not want to burden the neighborhood with additional parking for staff and visitors to the facility. Therefore, because the space is available, he would like to increase the parking. This increase in parking provides no tangible economic or operational benefit to the Owner. The request is made specifically to lessen the burden of increased parking on the neighborhood.

Number of employees at this facility:	30
Number of visitors per day:	15
Approximate duration of visits:	1 hour
Visiting Hours:	8 am – 8 pm
Number of Employee Shifts:	3
Staff per Shift	
Day	18
Evening	9
Overnight	3

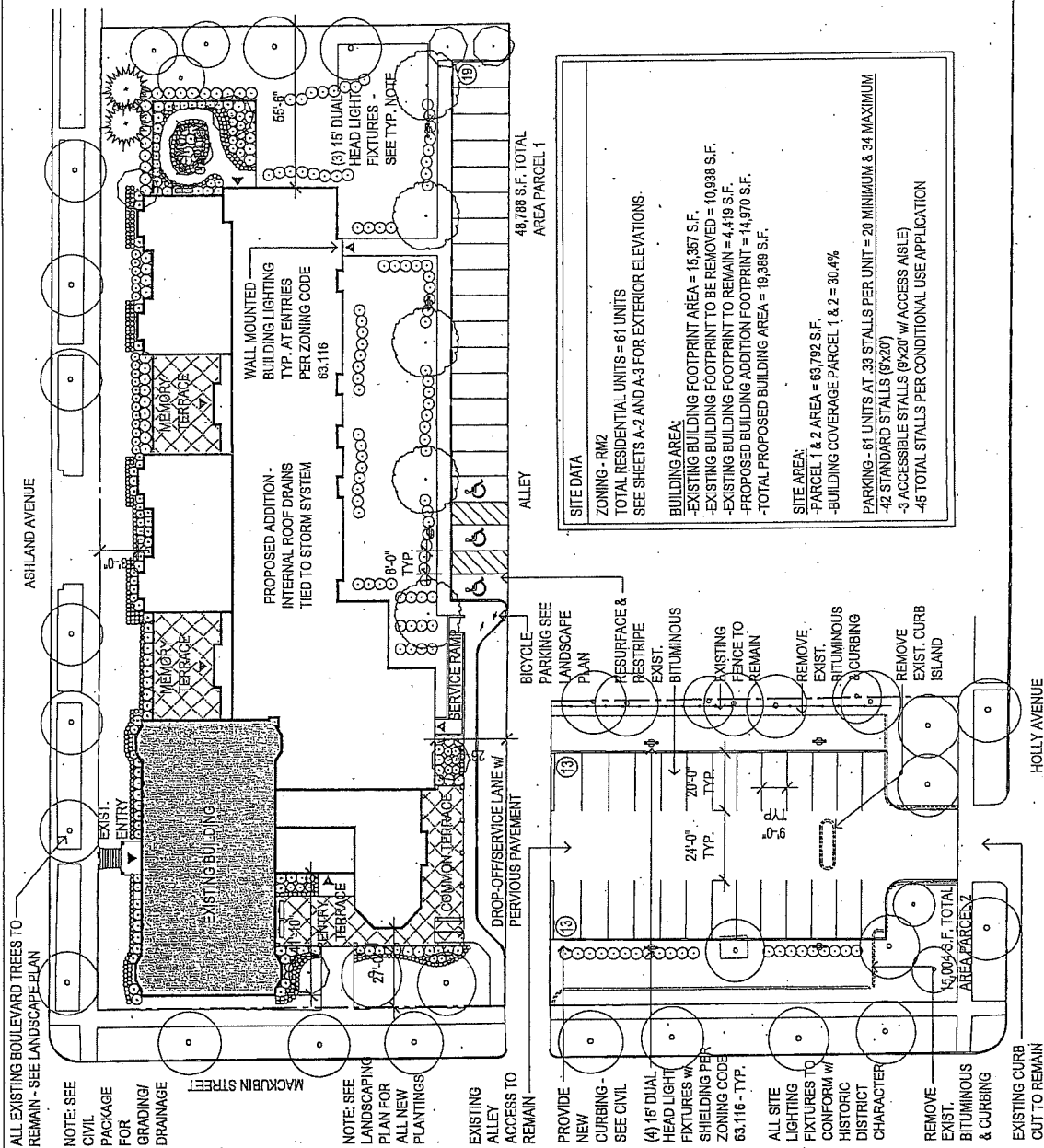
In conclusion, Ramsey Hill Senior Living is sensitive to the densely populated nature of the Ramsey Hill neighborhood. It is their intention to not place any additional burdens on their neighbors for parking. Therefore, Ramsey Hill Senior Living requests additional parking as a means to lessen their impact on the available on-street parking in the neighborhood.

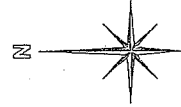
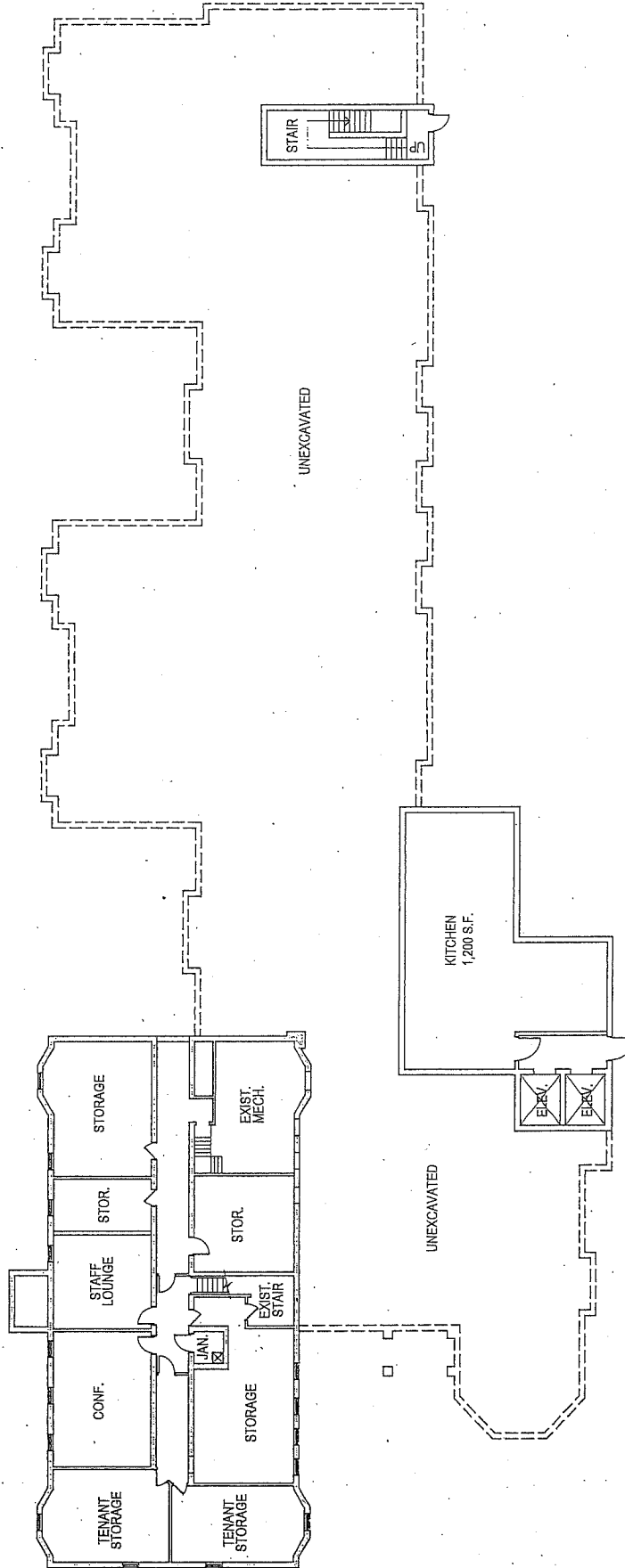
LEGAL DESCRIPTION PARCEL 1

Lots 7-12, and Lot 6 except the east 15 feet, Block 1, Woodland Park Addition to St. Paul, Ramsey County, Minnesota.

LEGAL DESCRIPTION PARCEL 2

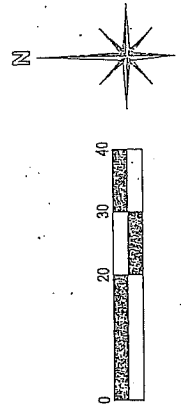
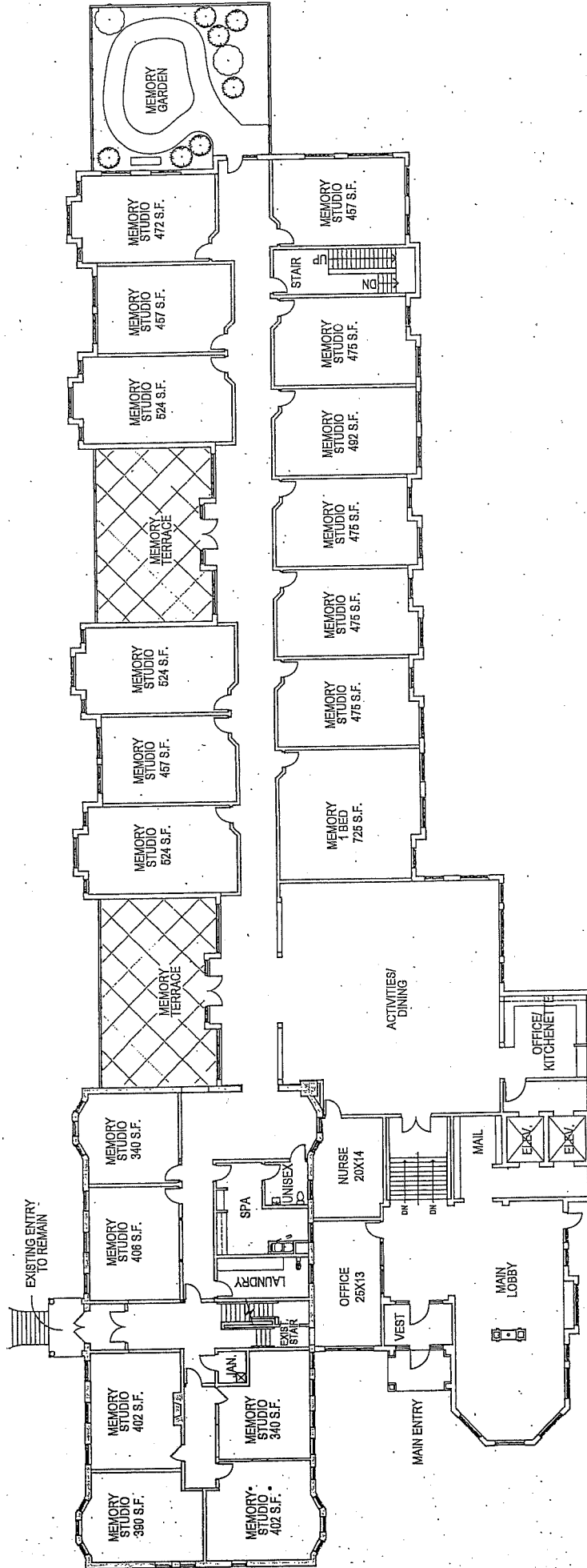
Lots 13 and 14, Block 14, Woodland Park Addition to St. Paul, Ramsey County, Minnesota.





CONCEPT LOWER LEVEL PLAN - HPC SUBMITTAL 1" = 20'-0"

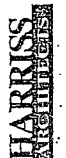
SOUTHVIEW SENIOR LIVING
 RAMSEY HILL
 ST. PAUL
 MINNESOTA

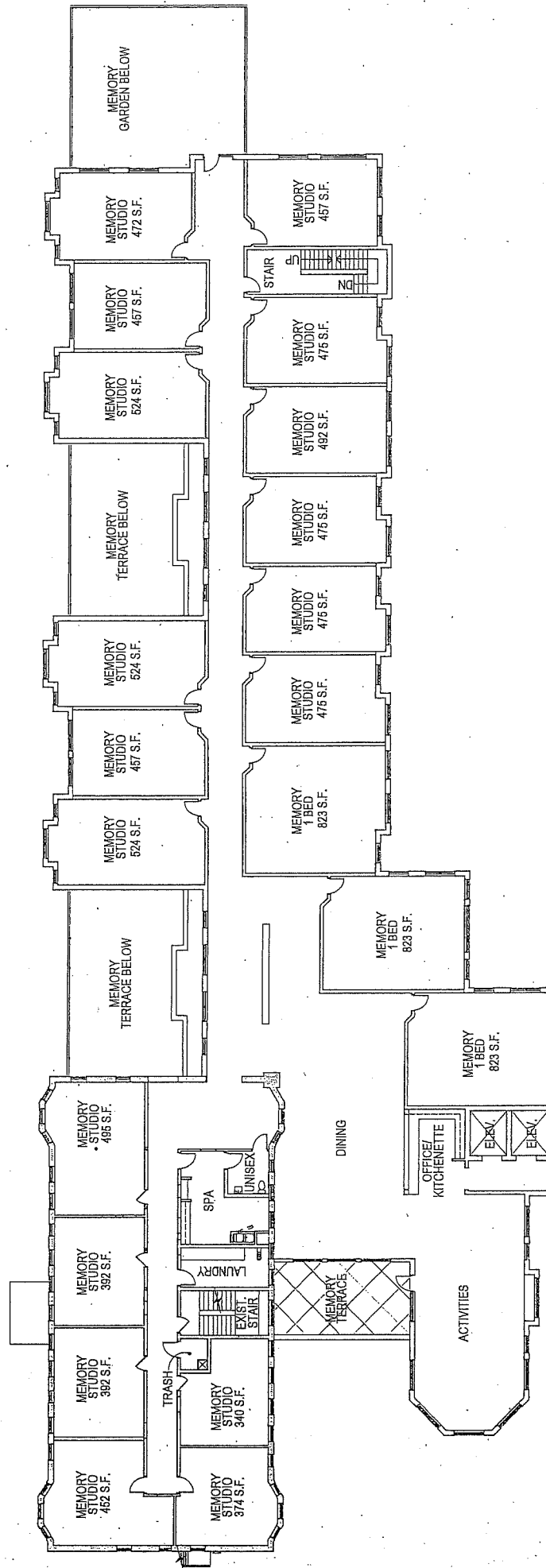


CONCEPT MAIN LEVEL PLAN - HPC SUBMITTAL 1" = 20'-0"

DATE: 6/21/12
A-5
JOB # 3013

SOUTHWEST SENIOR LIVING
RAMSEY HILL
ST. PAUL
MINNESOTA





CONCEPT SECOND LEVEL PLAN - HPC SUBMITTAL
1" = 20'-0"

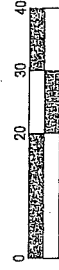
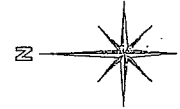
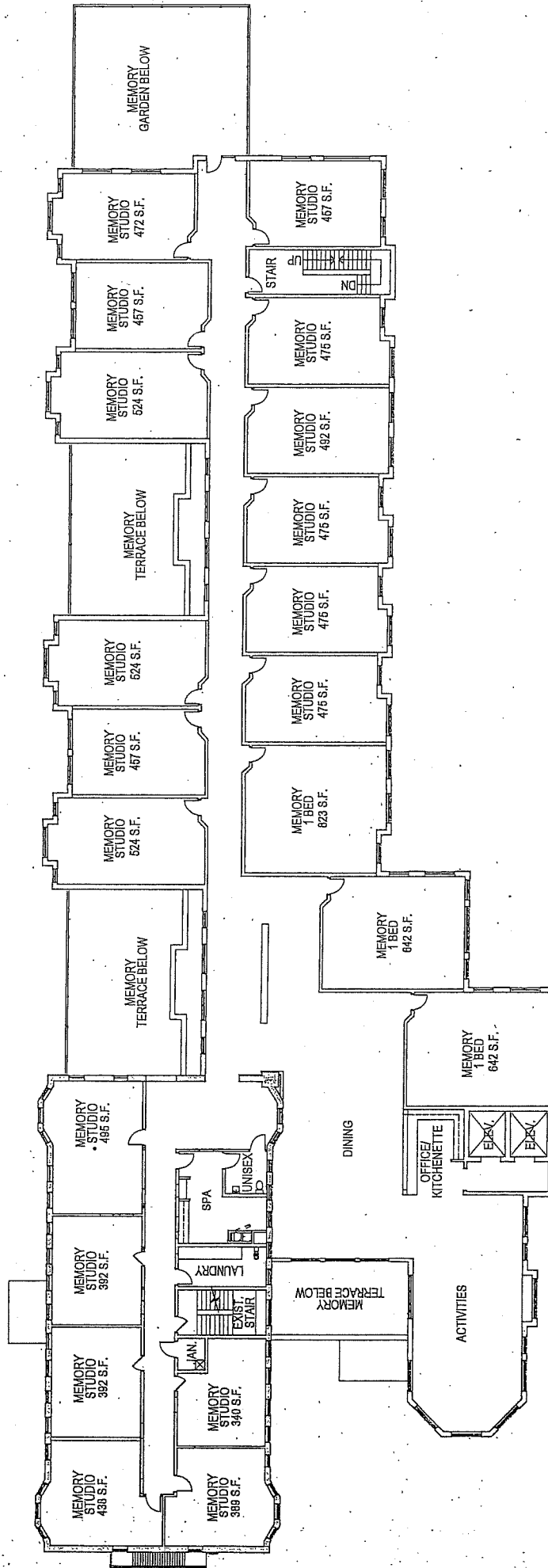
DATE: 6/21/12

6-A

JOB # 3013

**SOUTHVIEW SENIOR LIVING
RAMSEY HILL
ST. PAUL
MINNESOTA**

HARRISS
ARCHITECTS



SOUTHWEST SENIOR LIVING
 RAMSEY HILL
 ST. PAUL
 MINNESOTA

CONCEPT THIRD LEVEL PLAN - HPC SUBMITTAL 1" = 20'-0"

DATE: 6/21/12

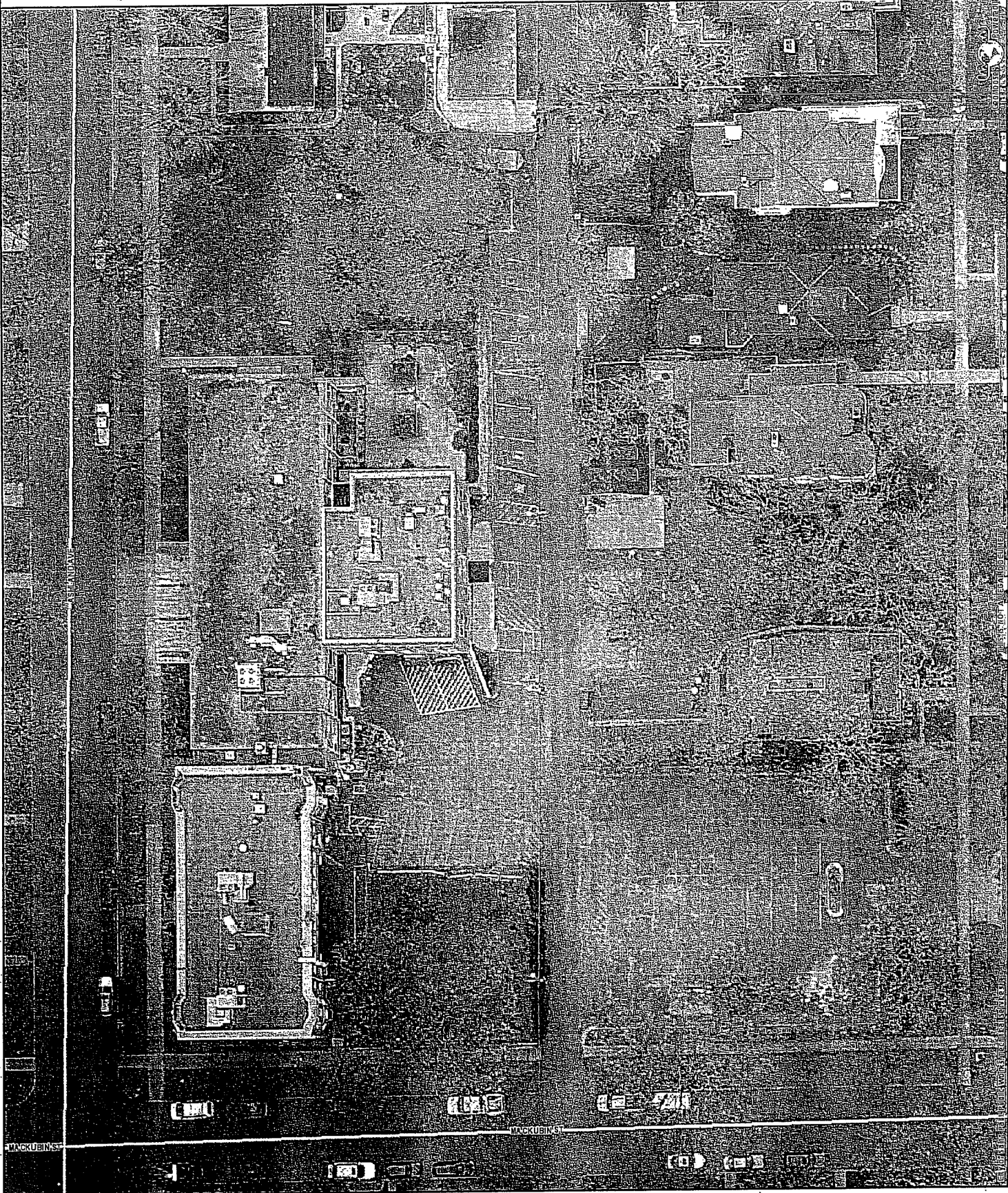
A-7

JOB # 3013

	EXIST. BLDG.	NEW BLDG.	TOTAL PER FLOOR
LOWER LEVEL	4,419 S.F.	1,664 S.F.	6,083 S.F.
MAIN LEVEL	4,419 S.F.	14,970 S.F.	19,389 S.F.
SECOND LEVEL	4,419 S.F.	14,172 S.F.	18,591 S.F.
THIRD LEVEL	4,419 S.F.	14,172 S.F.	18,591 S.F.
TOTAL	17,676 S.F.	44,978 S.F.	62,654 S.F.

	STUDIO	1 BED	TOTAL
FIRST FLOOR	18 UNITS	1 UNIT	19 UNITS
SECOND FLOOR	18 UNITS	3 UNITS	21 UNITS
THIRD FLOOR	18 UNITS	3 UNITS	21 UNITS
TOTAL BUILDING	54 UNITS	7 UNITS	61 UNITS

- Interstate
- Highway or County Road
- Local Road
- Ramp
- Other Street
- WATER



2008 AERIAL



APPLICANT Lance Lemieux
 PURPOSE CUP w/Variance
 FILE # 12-098382 DATE 8-27-12
 PLNG. DIST 8 Land Use Map # 20
 Zoning Map # 15

- LEGEND
- zoning district boundary
 - subject property
 - one family
 - two family
 - multiple family
 - commercial
 - industrial
 - vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Twin City Tees **FILE #** 12-101-124
 2. **APPLICANT:** Twin Cities Tees **HEARING DATE:** September 27, 2012
 3. **TYPE OF APPLICATION:** NUP - Enlargement
 4. **LOCATION:** 938 6th St E, SW corner at Forest
 5. **PIN & LEGAL DESCRIPTION:** 332922220079; Schiffmann Place Lot 1
 6. **PLANNING DISTRICT:** 4
 7. **ZONING CODE REFERENCE:** Sec. 62.109(d) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** September 19, 2012 **BY:** Scott Tempel
 9. **DATE RECEIVED:** September 4, 2012 **60-DAY DEADLINE FOR ACTION:** November 3, 2012
-

- A. **PURPOSE:** Enlargement of nonconforming use (limited production and processing) and variance of lot area coverage (35% maximum allowed; approximately 57% requested)
- B. **PARCEL SIZE:** 50.55' (E. 6th St.) X 133.9' (Forest St. including 10' for ½ of alley = 6,769 sq. ft.)
- C. **EXISTING LAND USE:** Silk-screening shop, limited production and processing
- D. **SURROUNDING LAND USE:**
 - North: Low density residential (RT1, two-family zoning)
 - East: Low density residential (RT1, two-family zoning)
 - South: Low density residential (RT1, two-family zoning)
 - West: Low density residential (RT1, two-family zoning)
- E. **ZONING CODE CITATION:** Sec. 62.109(d) lists the conditions under which the Planning Commission may grant a permit to enlarge a legal nonconforming use.
- F. **HISTORY/DISCUSSION:**

According to a 1992 nonconforming use permit staff report (Z.F. #92-130), this property has had an extensive history of various nonresidential uses on the first floor, while the residential use on the second floor has remained constant over time. Ramsey County records indicate that the building was constructed in 1910. The first floor of the existing building housed a grocery store from 1948 through at least 1973. From 1979 to roughly 1988, the same space was used as an aluminum products business (doors/awnings), and in 1989, it was used as a showroom for a porch & awning manufacturing/installation company. After sitting vacant for around a year, the building was used as a warehouse in 1991 (according to the same zoning file #92-130). A permit to change the nonconforming use was approved by the Planning Commission in 1992, from the previous manufacturing showroom use to a mixed convenience market and contractor's shop use (Z.F. #92-130). The contractor's office/showroom use continued until the previous owner moved his office out of the first floor in 2004, leaving it as a storage facility for materials associated with the contractor's shop business. On October 20, 2006, a permit to re-establish a grocery store use was denied by the Planning Commission (Z.F. #06-223-900). On February 7, 2007, a permit for the re-establishment of nonconforming use to allow a silk-screening shop was approved by the Planning Commission (Z.F. # 07-008-198).
- G. **DISTRICT COUNCIL RECOMMENDATION:** No comments have been received from the District 4 Community Council.
- H. **FINDINGS:**
 1. The applicant, Alex Haug, seeks a nonconforming use permit to enlarge his existing building in order to accommodate a new screen press. A variance of lot coverage from the 35% maximum allowed in the RT1 district to approximately 57% is also needed for the expansion.
 2. Section 62.109(d) Enlargement of nonconforming use states that *[t]he planning commission may permit the enlargement of a nonconforming use if the commission makes the following findings:*

1. *The enlargement will not result in an increase in the number of dwelling units.* This finding is met. The number of dwelling units on the property will remain the same.
2. *For enlargements of a structure, the enlargement will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is not met. The existing structure on the lot already exceeds the lot coverage permitted in the RT1 district. RT1 allows 35% lot coverage (2369 sq. ft.) and the existing building covers 46% of the lot (3102 sq. ft.). The applicant is requesting further variance of the lot area coverage to approximately 57% (3822 sq. ft.). The one-story addition would serve to square off a "missing" corner of the existing building. According to the applicant, at some point in history, a similar addition did cover this area of the lot, but this structure was removed. The applicant has applied for a variance of the lot coverage limit. If the Planning Commission approves the variance, this finding will be met.
3. *The appearance of the enlargement will be compatible with the adjacent property and neighborhood.* This finding can be met. The proposed addition can be consistent in appearance with the existing building on the site and the commercial use. Use of high quality construction materials, following appropriate site plan requirements, could result in increased visual appeal of the property to the surrounding neighborhood. Plans approved by City staff for this building addition should be in substantial compliance with the plan submitted and approved as part of this application and with the general design standards in Sec. 63.110.
4. *Off-street parking is provided for the enlargement that meets the requirements of section 63.200 for new structures.* This finding is met. Limited production and processing requires 1 space per 1,000 sq. ft. GFA (§63.207) which means that 3,822 sq. ft. GFA mandates four parking spaces. The residential unit on the 2nd floor adds the requirement of an additional space for a total requirement of 5 parking spaces. The attached site plan and aerials show 6 parking spaces, double stacked. While the Zoning Code does not permit stacked spaces, there is sufficient width for 5 non-stacked spaces, meeting the code requirement.
5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. Rezoning this parcel would be inappropriate, as the property is located in the middle of an RT1 residential district.
6. *After the enlargement, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* This finding is met. The proposed enlargement will neither add new activities to the site nor increase noise, vibration, glare, dust or smoke. The enlargement is consistent with the existing character of development on the site which has not generated any complaints to the Department of Safety and Inspection since operations began in 2007.
7. *The use is consistent with the comprehensive plan.* This finding is met. This proposal is consistent with Objective 1.48 of the City's Land Use Plan, which calls for compatible mixed uses within single buildings. It is also consistent with Objective 1.7 permitting neighborhood serving commercial businesses compatible with the character of Established Neighborhoods. In addition, this proposal is consistent with the Dayton's Bluff (District 4) Plan commercial and economic development strategy C3 – Promote the reuse, instead of demolition, of existing commercial buildings.
8. *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the enlargement.* This finding is met. The petition was found sufficient on September 4, 2012: 15 parcels eligible; 10 parcels required; 10 parcels signed.

3. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The general purpose and intent of the zoning code, as found in Sec. 60.103, includes: to implement policies in the comprehensive plan, to encourage a compatible mix of land uses, and to conserve and improve property values. The lot area coverage variance will continue the mix of uses within the building, is compatible with the neighborhood, and serves to improve the value of the property.
- (b) *The variance is consistent with the comprehensive plan.* This finding is met. This proposal is consistent with Objective 1.48 of the City's Land Use Plan and Strategy C3 of the District 4 Plan.
- (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The applicant states that the business has outgrown its present space and the addition is needed to house new equipment. The floor of the existing building can not handle the weight of the new press. Without this expansion and new capital investment, the owner could be forced to move the business and associated jobs out of this location.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The existing building is inadequate to support the growing business. The business is located in a mixed-use building that already exceeds the maximum lot area coverage and contains a legal non-conforming use.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The use is already established as a legal non-conforming use associated with an existing business.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The increase in floor area will not alter the character of the existing building or the surrounding area. The proposed addition is to a building that has been part of the neighborhood for over one hundred years. The proposed addition can be consistent in appearance with the existing building on the site and the commercial use. Use of high quality construction materials, following appropriate site plan requirements, could result in increased visual appeal of the property to the surrounding neighborhood.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the enlargement of non-conforming use and variance of lot area coverage to permit an addition of 3822 sq. ft. in size to the existing building subject to the following conditions:

- 1. The silk-screening shop hours of operation shall remain limited to 8:00 AM to 6:00 PM, Monday through Friday.
- 2. Site plan review shall be required if city site plan review staff finds that the surface of the existing rear parking lot has been removed, and requires repaving, as per §63.202. If found to be mandatory, such improvements shall be reviewed and approved by the site plan review staff.
- 3. The applicant shall comply with all standards and conditions as required by City of Saint Paul zoning, building and fire codes in order to receive a Certificate of Occupancy, including Sec. 63.110(d).

I would like to request permission to modify the percentage of lot coverage requirement for the building at 938 E. 6th St., St. Paul, MN 55106. This building has never met the 30% requirement. It was built in 1910 and added to in 1948. At one point there was a poorly constructed addition in the location where we want to put our addition. This addition had been removed before we bought the building. This can be seen in old aerial photos of our location.

When we purchased the building in 2007, we did not realize the problems we would face in this neighborhood. In the last 5 years, there have been several shootings within a 2 block area surrounding this property. Unknown to us, we inherited a drug dealer as an upstairs tenant. The building needed a new roof, the ceiling and walls were full of mold, and the basement had standing water everywhere. This being said, we have poured well over \$100,000 in improvements into the building; money that we can never hope to recover if we would try to sell. We have come to know our neighbors as hard-working kind people, dedicated to making the neighborhood a better place.

We have outgrown our present space and a 24' x 30' addition is needed to house a new piece of equipment. Not only is our present space too small, the 100 year old floor would not support the 5,000 lb. new press. Moving our business out of St. Paul would be somewhat impractical, however not out of the question. We have developed strong ties in the neighborhood, joining the newly formed Dayton's Bluff Business Association. Two of our employees are young people from the immediate neighborhood.

Our first choice is to remain in Dayton's Bluff. Without this addition, however, we will have no choice but to move.

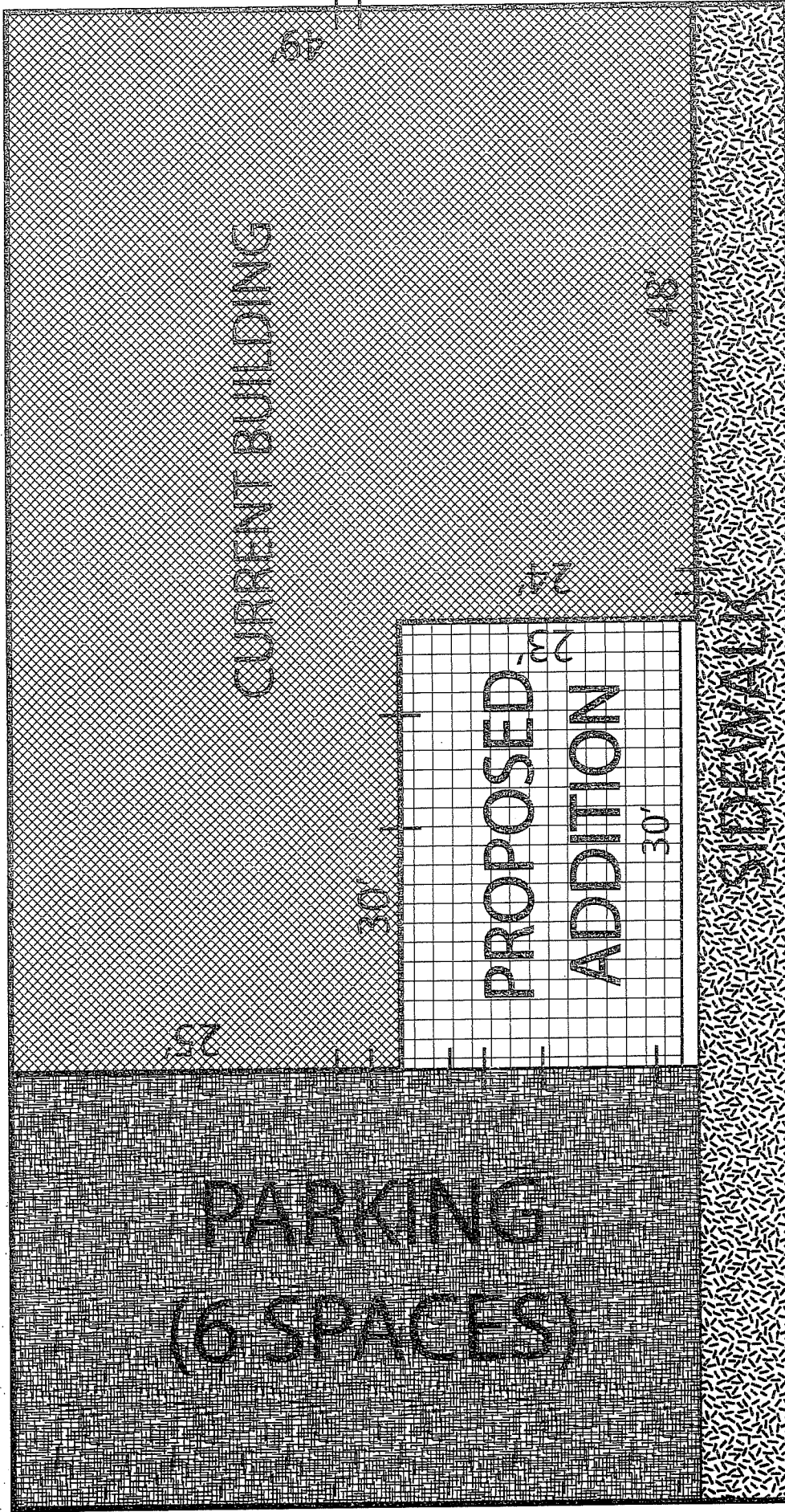
Section 62.109(d) – Enlargement of Nonconforming Use Answers

1. The enlargement will not increase the numbers of units. That will remain the same, 2 units.
2. Under advisement of City of Saint Paul employees, this will not be an issue.
3. It is a mixed use neighborhood, and the addition will not jeopardize the appearance of the neighborhood.
4. Parking is currently available off street.
5. Zoning of property will not change.
6. The addition will not affect the development of the neighborhood or decrease public safety or general welfare. The addition will, in fact, ADD to safety and reduce noise and vibration in neighborhood by allowing UPS, FedEx and delivery trucks to deliver directly to our location. Currently these trucks must sit idle on the street while unloading.

7&8. Immediate property owners and local property owners are very much in support of our request. Petition of ALL reachable property owners is attached.

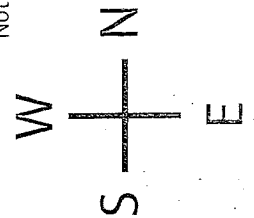
78'

Sixth Street East



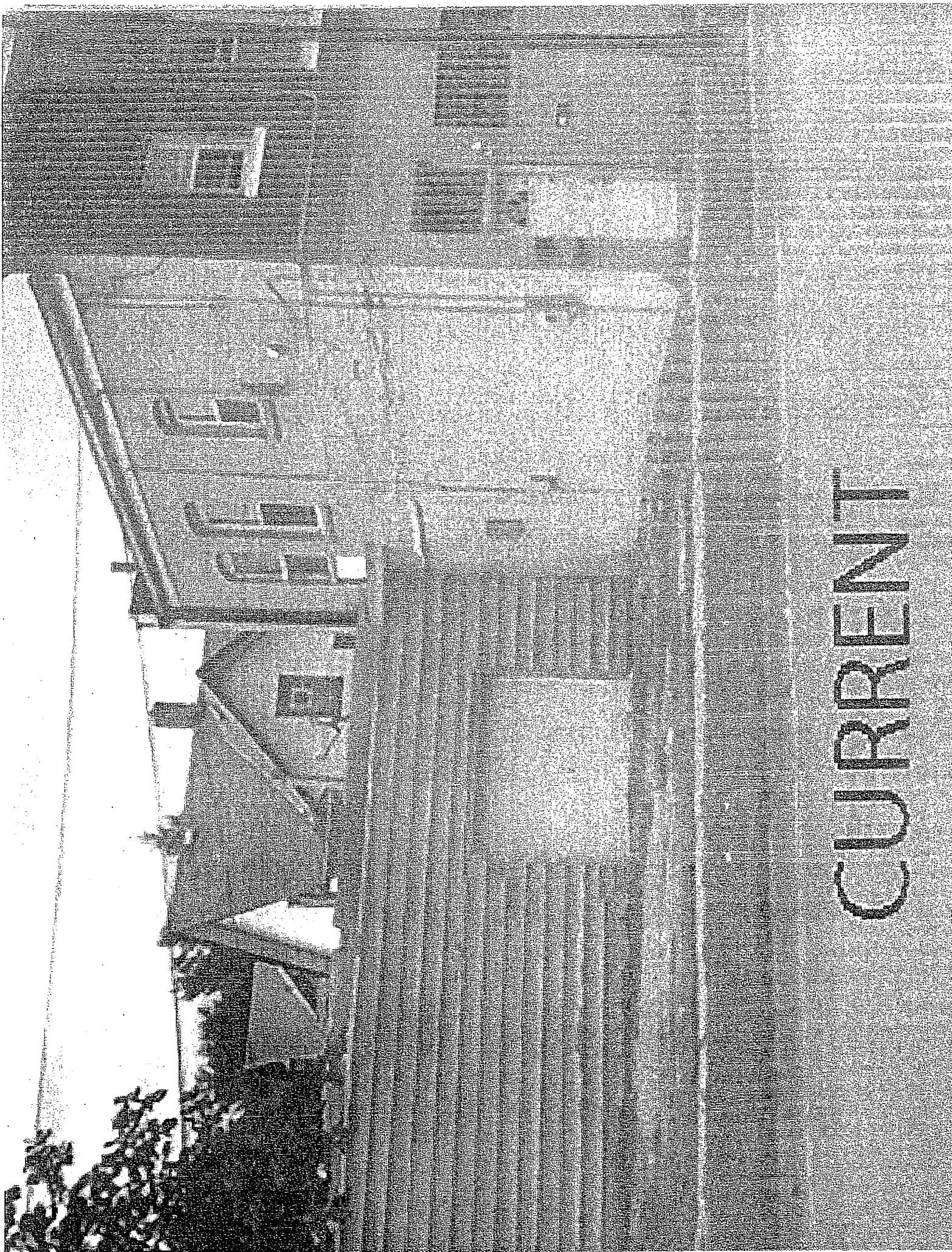
Not To Scale

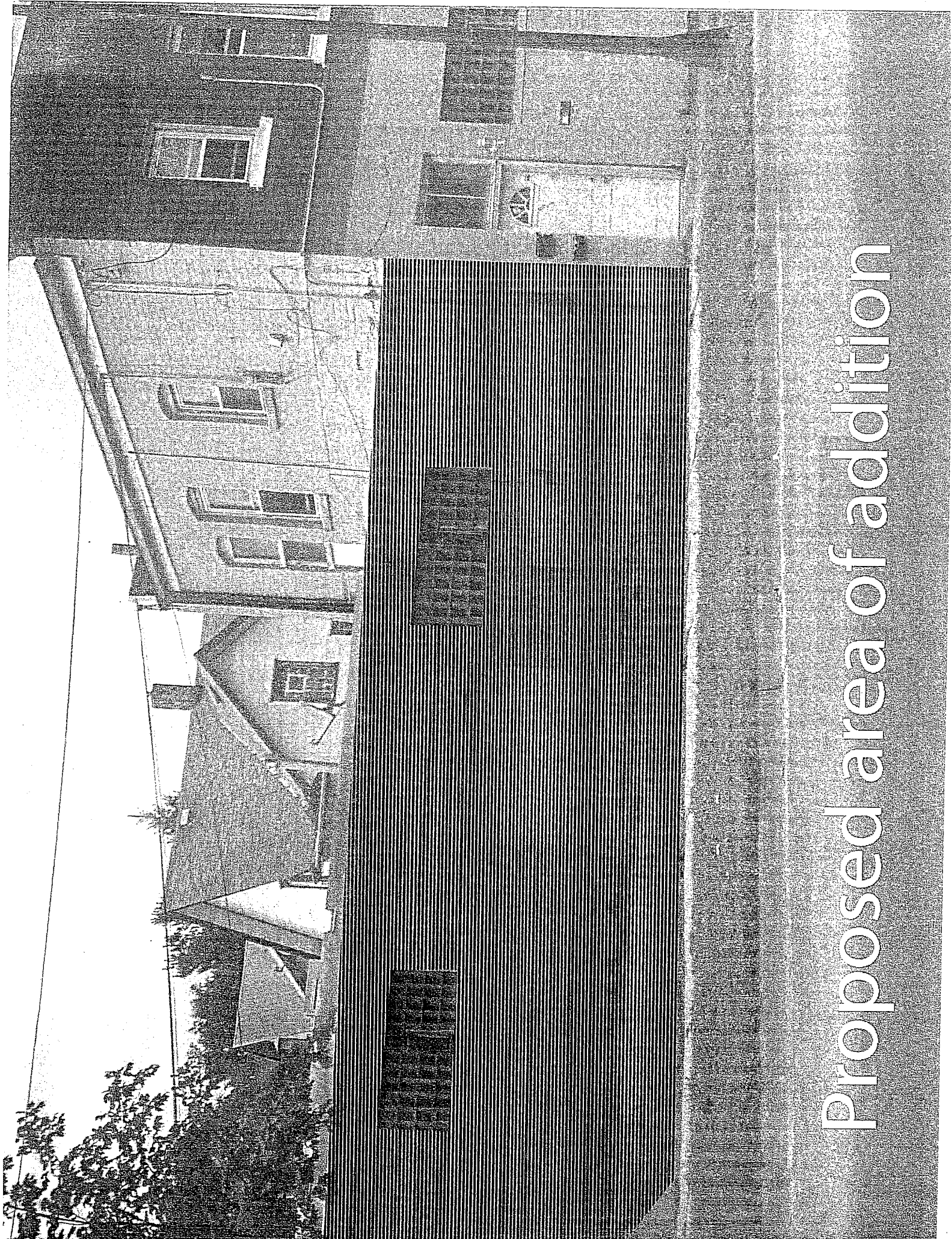
FOREST Street



Main Level View

CURRENT





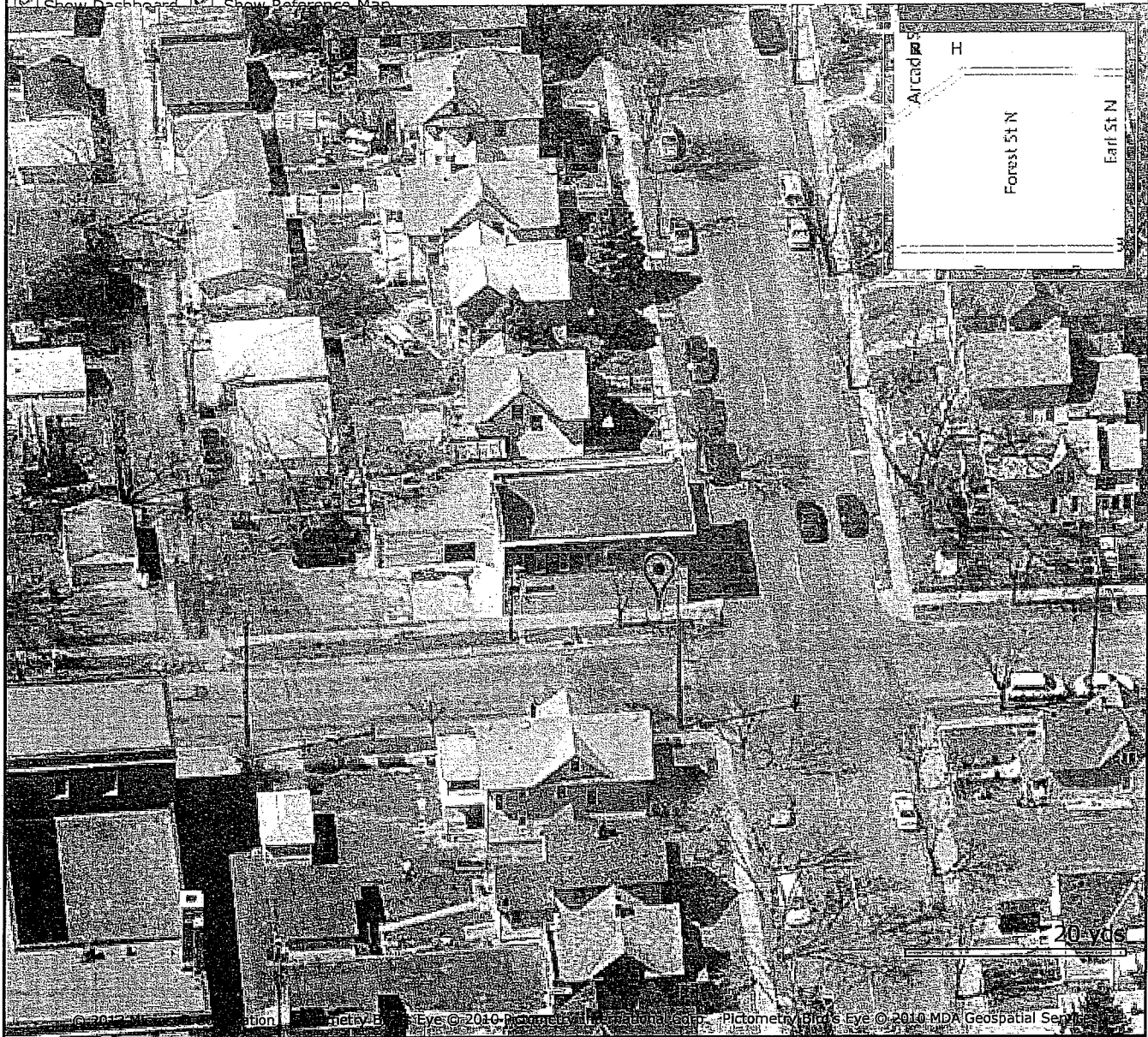
Proposed area of addition



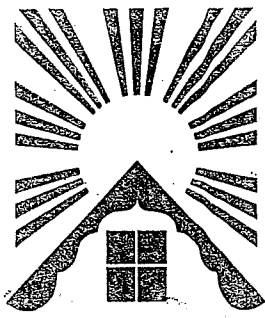
GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☒ Show Reference Map



2FA 12-101-124



Dayton's Bluff

District 4 Community Council

798 E. 7th Street, Saint Paul, MN 55106 - Phone 651-772-2075 - Fax 651-774-3510

Visit our web site at www.daytonsbluff.org

September 19, 2012

Patricia James
Saint Paul PED
25 West 4th Street
Saint Paul MN 55102

Dear Ms. James,

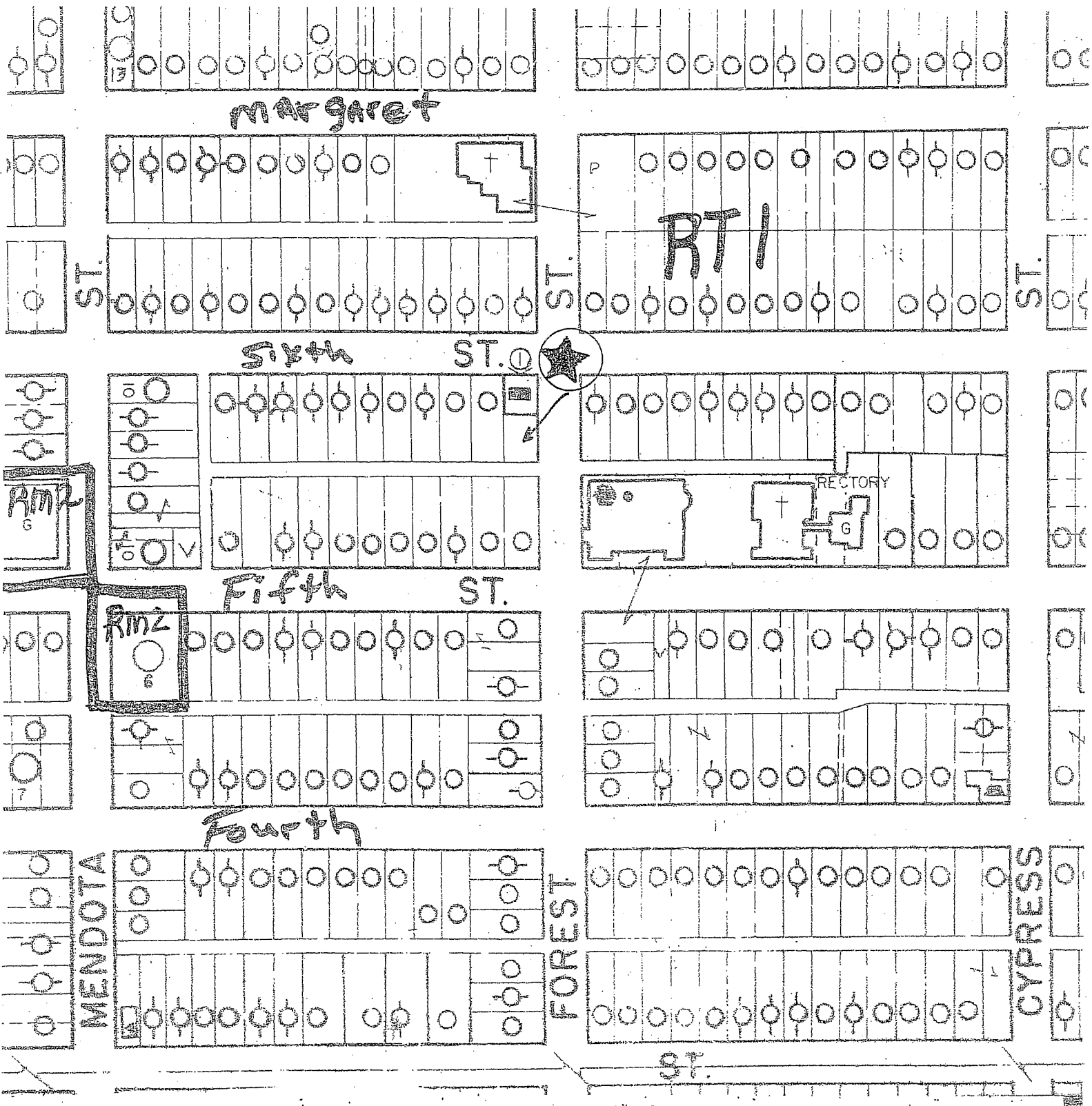
Our board of directors at their September 10, 2012 board meeting passed a resolution to write a letter recommending approval of Twin City Tees application for an extension of their existing non-conforming use permit.

We were very happy when they decided to move into Dayton's Bluff and they have been good neighbors. We are pleased they want to expand in Dayton's Bluff.
Thank you.

Sincerely,

Karin DuPaul

Karin DuPaul
Community Organizer
cc. Kathy Lantry



APPLICANT Alex Haug
 PURPOSE Enlargement NCLP w/ variance
 FILE # 12-101124 DATE _____
 PLNG. DIST 4 Land Use Map # 14
 Zoning Map # 11
 SCALE 1" = 400'

LEGEND

zoning district boundary
 subject property
 one family
 two family
 multiple family
 commercial
 industrial
 vacant

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** REEMO gas island and gas pump relocation FILE #12-101937
2. **APPELLANT:** Raymond and Susan Cantu **HEARING DATE:** September 27, 2012
3. **TYPE OF APPLICATION:** Appeal of a decision by the zoning administrator to approve a site plan
4. **LOCATION:** 1200 Rice Street
5. **PIN & LEGAL DESCRIPTION:** 302922220172 - Stinsons Rice Street addition Subj to Esmt Lots 10, 11 and Lot 12 Blk 2
6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** B2
7. **ZONING CODE REFERENCE:** § 61.402(c) and 61.701(b) **BY:** Corinne A. Tilley
8. **STAFF REPORT DATE:** August 19, 2012 **60-DAY DEADLINE FOR ACTION:**
9. **DATE RECEIVED:** September 4, 2012

A. **PURPOSE:** Appeal by Raymond and Susan Cantu of a decision by the zoning administrator to approve the site plan for the relocation of the gas island and gas pumps for Rice Street Market at 1200 Rice Street.

B. **PARCEL SIZE:** approximately 11,750 square feet

C. **EXISTING LAND USE:** B2 community business zoning district - auto convenience market

D. **SURROUNDING LAND USE:** North: Maryland Avenue – County State Aid Highway 31
B2 – multiuse center and parking lot
East: R4 – alley and one family dwelling
South: B2 – registered vacant building category 2 since July, 2011
(previously used for office and accessory warehouse)
West: Rice Street – County State Aid Highway 49
B2 – vacant lot (commercial building demolished April, 2008)
and one family dwelling

E. **ZONING CODE CITATION:** 61.402 (c) Site plan review and approval
61.701 (b) Administrative appeals

- F. **PROJECT DESCRIPTION:** The site plan shows the proposed relocation of the gas island and gas pumps. (See enclosed plans.)
- The existing 1,942 square feet building will remain.
 - The existing pump island, gas pumps, and exterior public pay phone will be removed.
 - A new pump island with gas pumps and a light pole will be constructed 12' south of the property line along Maryland Avenue and 33'-6" east of the property line along Rice Street.
 - A portion of the concrete sidewalk at the building entrance will be removed and a new handicap ramp and landing will be constructed to accommodate accessibility to the building.
 - Two employee only paved parking spaces will be added at the southeast corner of the property off of the alley.
 - The existing chain link fence along the alley will be removed and replaced with a wood privacy fence.
 - A new wrought iron decorative fence will be installed along Rice Street and Maryland Avenue.
 - A new dumpster enclosure will be located south of the building.

G. **HISTORY:**

As a part of a Maryland Avenue street widening project by Ramsey County, the north 20' of the property located at 1200 Rice Street was acquired. This resulted in a reduced lot area for the existing auto convenience market.

In July, 2011, a site plan was submitted to the City for review to redevelop the existing auto convenience market. With a smaller site, the applicant proposed to demolish the existing structures and construct a new 2,496 square feet building with two pump islands and a canopy.

In the meantime, the resulting Maryland Avenue road reconstruction, prohibited access to the north side gas pumps and restricted access to the south side gas pumps.

On April 13, 2012, the City's Department of Safety and Inspections Fire Inspection staff gave the property owner a timeline to remove the gas pumps.

On April 24, 2012, Ramsey County Public Works determined that the proposed new driveway curb cut on Rice Street was too close to the intersection with Maryland Avenue.

A conditional use permit for the proposed construction of a new auto convenience market was approved by the Planning Commission on May 18, 2012 subject to conditions.

When the applicant became aware of Ramsey County's disapproval of the proposed new curb cut on Rice Street, a scaled back version of the site plan was submitted. This version proposed to relocate the pumps only. The existing building and curb cut on Rice Street remained.

On July 11, 2012, the zoning administrator denied the original site plan proposal of a new building and pump islands because Ramsey County would not approve the proposed relocation of the existing driveway on Rice Street due to the inconsistency with traffic safety. In the same letter, the zoning administrator denied the revised site plan to relocate the pump islands because Ramsey County and Saint Paul Public Works determined it is not consistent with traffic safety.

On August 1, 2012, the property owner resubmitted a site plan that focused on the relocation of the pumps with the existing building to remain and a revised parking layout to facilitate truck and vehicle maneuvering.

The zoning administrator approved the site plan on August 24, 2012.

Raymond and Susan Cantu filed their appeal of the zoning administrator's decision on September 4, 2012.

H. **DISTRICT COUNCIL RECOMMENDATION:** Staff has not received a recommendation from District 6.

I. **FINDINGS:**

1. The appeal filed by Raymond and Susan Cantu lists three main issues as the basis for the appeal. **The city's responses to the issues raised in the appeal are shown in bold, indented text.**

- "All actions/interactions with the neighborhood by District 6 Council, Zoning Committee, and the Planning Commission were predicated on the plans for a new building."

As explained in the history, the original site plan application submitted in July, 2011, did show a proposal to demolish all the structures on the existing site and then construct a new and larger building with pump islands, gas pumps, and a canopy.

1200 Rice Street is located in the B2 community business zoning district. An auto convenience market in the B2 zoning district requires a conditional use permit. Per Zoning Code Section 61.503(d), when the building containing a conditional use is torn down and a new building is constructed, the change to the conditional use requires a new conditional use permit. This conditional use permit was approved subject to conditions.

One of the proposals for this new construction was to relocate the driveway a few feet north on Rice Street (closer to Maryland). Ramsey County would not approve the driveway relocation due to concerns with traffic safety at the intersection of Maryland and Rice.

As the Maryland Avenue road construction continued, City staff and the applicant continued discussions and reviews of site plan revisions trying to get a new building and

pumps to fit on the site without relocating the driveways. During this time, the business owner lost the ability to sell gasoline to his customers because the reconstruction of Maryland Avenue left the gas pumps too close to the property line. Due to the loss of retail sales of gasoline and the proposed new construction stalemate, the applicant decided to scale back their proposal from constructing a new building to only relocating their pumps to get the fuel dispensing facilities back in operation.

Relocating the gas pumps does not require a new conditional use permit. Therefore, the conditional use permit approved in May, 2012, does not apply to the current proposal for relocating the gas pumps.

- "The approval letter of August 24 gives no indication that the site plan was reviewed by Ramsey County and Saint Paul Public Works and if the issues of traffic safety were addressed."

A copy of the site plan is distributed to City staff in various City departments, including Building, Fire, Heritage Preservation, Parks, Planning, Right-of-way, Sewers, Traffic, Water, Water Resources, and Zoning; and other governmental agencies, including District Councils, Ramsey County Public Works, Watershed Districts, and State of Minnesota Transportation Departments.

A meeting is setup for the applicant to explain their project and ask questions from staff. At this meeting staff shares their comments with the applicant and explains any revisions that need to be made to the site plan.

The applicant submitted revised plans (dated August 15, 2012) to address the comments shared at the meeting. The revised site plan met the city requirements, so staff issued an approval letter. The approval letter does not typically list each City department who has no further comments to the revised site plans.

The difference between the site plan denied on July 11 and the site plan approved on August 24 is that a WB-50 truck turning diagram was submitted to show that it is able to enter the property from Maryland Avenue traveling west, refuel the underground tanks with a clear view to the tanker valves and then exit the property on Rice Street traveling south. The plan also shows how vehicle maneuvering on the site is managed more effectively with the revised parking plan.

- "District 6 Council scheduled a meeting on August 28, 2012 to review the site plan relocating the gas pumps and discuss the project changing from new construction to a building rehabilitation. Neighborhood citizens were informed on August 27, 2012 a site plan had been approved on August 24."

District 6 Council was sent a copy of the revised site plan (dated July 19, 2012) on August 3, 2012. District 6 Council responded with a letter dated August 10, 2012 stating that there were some concerns with the use of the alley, tanker truck delivery and its affects on the customer parking spaces, and fencing around the perimeter and requested additional time for neighbors to review the plan.

When staff reviewed the site plan, the concerns shared by the District Council were taken into consideration.

- The use of the alley was restricted to two employees only paved parking spaces
- Timing of tanker truck deliveries and customer parking spaces were reviewed and taken into account. A minimum of 5 parking spaces are required for this auto convenience market. A total of 8 parking spaces are proposed.
- The existing chain link fence along the alley is being replaced with a new wood fence. A new black wrought iron fence is being proposed to line the perimeter of the site along Maryland Avenue and Rice Street.

Staff must process site plans in a timely manner and when a site plan is found to be consistent with Zoning Code 61.402(c), staff approves the plan. Staff found that the revised site plan is consistent with the zoning code in addition to addressing concerns shared by the District Council and therefore approved the site plan.

2. The site plan complies with zoning standards and all other applicable ordinances of the City.

61.402(c) Site plan review and approval. In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:

- (1) The city's adopted comprehensive plan and development or project plans for sub-areas of the city.
- (2) Applicable ordinances of the city.
- (3) Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.
- (4) Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.
- (5) The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.
- (6) Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.
- (7) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.
- (8) The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.
- (9) Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.
- (10) Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.
- (11) Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."

These requirements are met.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the appeal by Raymond and Susan Cantu of the decision of the zoning administrator to approve the site plan for the relocation of the pump island and gas pumps at 1200 Rice Street.

Attachments

Site plan approval letter, approved site plan and plan details
Appeal filed by Raymond and Susan Cantu

RECEIVED IN D.S.I.

(K) - PAID IN FULL
CASH 9-4-12 MPM

SEP 04 2012



APPLICATION FOR APPEAL

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only

File #: 12-101937

Fee: 520.00

Tentative Hearing Date: _____

APPELLANT

Name Raymond and Susan Cantu

Address 115 Rose Avenue West

City St. Paul St. MN Zip 55117 Daytime Phone Home 651-488-2308

PROPERTY LOCATION

Zoning File Name Approval of Site Plan 12-090127-REEMO Gas Pump relocation at 1200 Rice Street

Address / Location 1200 Rice Street

TYPE OF APPEAL: Application is hereby made for an appeal to the:



Planning Commission, under provision of Chapter 61, Section 701, Paragraph c of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator

OR



City Council, under provision of Chapter 61, Section 702, Paragraph a of the Zoning Code, of a decision made by the Planning Commission

Date of decision: _____

August 24, 2012

File Number: 12-090127

GROUND'S FOR APPEAL:

Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission.

The above named appellant hereby appeals the decision of the Department of Safety and Inspections to approve site plan 12-090127 - REEMO gas pump relocation 1200 Rice Street, dated August 24, 2012, and asks the Planning Commission to deny the site plan approval.

The above named appellant's appeal consists of the following:

Page 1-History and Actions, Page 2-4 Grounds for Appeal, Page 5 - Letter of Support, Attachments totaling 53:

Attachment A: District 6 Planning Council Task Force recommendation and modification requests
Attachment B: Zoning Committee May 10th Results
Attachment C: Zoning Committee Staff Report and Conditional Use Permit Application
Attachment D: Planning Commission Min. pgs. 1 & 2, T. Beach response to several condition requests; Planning Commission Resolution, Tri Area Block Club letter
Attachment E: July 11, 2012 letter from Department of Safety and Inspections denying two site plans
Attachment F: August 24, 2012 letter from Department of Safety and Inspections approving site plan
Attachment G: City of Saint Paul Planning Commission Resolution
Attachment H: Negotiated Settlement - Parcel #3 on the Rice Street at Maryland Reconstruction Project
Attachment I: Minimum Compensation Statute, M.S. 117.187
Attachment J: District 6 Planning Council Land Use Task Force agenda

Appellant's Signature _____

Date _____

City Agent _____

Appeal of August 24th 2012 Approval of Site Plan 12-090127 – REEMO gas pump relocation 1200 Rice Street

History:

Ramsey County authorized construction of turn lanes on Maryland at Rice to improve safety/traffic issues at the intersection. The City of Saint Paul acquired the additional footage for the street expansion. The City Council authorized the purchase of three homes on Maryland due to concern of those homeowners over the livability after loss of the frontage. Mr. Alsadi, 1200 Rice Street, worked through the appeal process eventually receiving a settlement of \$1,000,000 from Ramsey County. Property owners on the block were approached by a developer who expressed interest in acquiring all property on the block for a redevelopment. Mr. Alsadi did not reach an agreement and chose to remain a part of the community.

Actions:

April 24, 2012 District 6 Land Use Task Force application for a Conditional Use Permit at 1200 Rice Street.

The CUP application was reviewed and discussed. Mr. Alsadi stated in his application **"The property located at 1200 Rice Street which is located at the southeast corner of the intersection is losing 20 feet across the north property line and a diagonal piece of property at the corner. Due to this taking the property needs to remove and relocate the pump island, canopy, underground tanks, and building"**.

John Kosmos, KK Design acting on behalf of Mr. Alsadi presented detailed drawings for a new building and reconfiguration of the lot which were included with the application.

District 6 Council recommended approval and submitted a list of conditions for consideration.¹

May 10, 2102 – Zoning Committee – 12-045-151 Conditional Use Permit 1200 Rice Street^{II, III}

The Zoning Committee Staff Report was presented:

Section H Findings:

1.***Due to the land acquisition, the property owner needs to remove and relocate the pump islands, canopy, underground tanks, and building.***

Section I STAFF RECOMMEDATION:

*Based on the **above** findings, staff recommends approval of the Conditional use permit for auto convenience market subject to the condition that a site plan is approved by city staff.*

Zoning Committee recommended approval with conditions.

May 18, 2012 – Planning Commission^{IV}

#12-045-151 Bilal Alsadi – Conditional use permit for auto convenience market

Packet for the meeting included the Zoning Committee Staff Report, Mr. Alsadi's application, drawings for a new building by KK Design, District 6 letter, Tri Area Block Club letter, Planning Commission Resolution.

Planning Commission approved the CUP subject to the additional conditions (Tom Beach memo).

July 11, 2012 Site Plan 11-250428 Department of Safety and Inspections Letter to Mr. Alsadi^V

Denied site plan for a new building and pump island citing Ramsey County and Saint Paul Public Works traffic safety concerns.

Denied site plan for relocating the pump islands 12' south while keeping the existing building and driveway citing concerns of Ramsey County and Saint Paul Public Works determination that it was not consistent with traffic safety. Moreover, the site plan would not work for standard tanker truck gas delivery, and circulation of cars on the site.

August 24, 2012 Site Plan 12-090127 Department of Safety and Inspections Letter to Mr. Alsadi^{VI}

Approved site plan to move pumps islands subject to conditions.

Grounds for Appeal:

All actions/interactions with the neighborhood by District 6 Council, Zoning Committee, and the Planning Commission were predicated on the plans for a new building.

The resolution^{vii} granting the CUP approved by the planning commission on May 18, 2012 stated the following:

"WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. Maryland Avenue is being reconstructed to provide additional left-turn lanes. Due to the need for extra width, portions of property along the south side of Maryland east of Rice Street are being taken. This property, at 1200 Rice Street, is located at the southeast corner of this intersection and will lose the north 20 feet of the site through acquisition by the county. Due to the land acquisition, the property owner needs to remove and relocate the pump islands, canopy, underground tanks, and building. Because the existing building and facilities will be removed the applicant is required to apply for a new condition use permit for an auto convenience market.

When was this project changed from a rebuild and investment in the neighborhood to a minor rehab of one of the corners of a major intersection of the City? An approval of a plan that does not include removal of the existing building is in direct conflict with the resolution passed by the Planning Commission and should not stand.

As per the Executive Summary of the settlement, agreement between Mr. Alsadi and Ramsey County^{viii} the Eminent Domain Commission award of \$867,624 was based heavily on the Minimum Compensation Statue (M.S. 117.187)^{ix} which addresses compensation for relocations.

Why was approval for a minor rehabilitation approved when Mr. Alsadi has been compensated for costs of relocation?

As homeowners in close proximity to the intersection, the neighborhood was optimistic that this would spark further investment in the area. Certainly, Mr. Alsadi must be as confused as the neighborhood over a denial for a new building and subsequent approval of a rehabilitation plan that is in direct conflict with the Planning Commission Resolution.

The approval letter of August 24 gives no indication that the site plan was reviewed by Ramsey County and Saint Paul Public Works and if the issues of traffic safety were addressed.

Why was a plan to relocate the pumps rejected on July 11 due to safety concerns and then a plan to relocate the pumps is approved on August 24? How could a plan to relocate the pumps be unsafe in July and safe in August?

No plan site plan approval should be issued until the community is assured that all safety issues have been addressed, there needs to be a full airing of this issue. This entire project and the multi-million dollar cost to tax payers was undertaken to improve safety and traffic flow at the intersection of Maryland/Rice.

District 6 Council scheduled a meeting on August 28, 2012* to review the site plan relocating the gas pumps and discuss the project changing from new construction to a building rehabilitation. Neighborhood citizens were informed on August 27, 2012 a site plan had been approved on August 24.

Why was a site plan approved four days before the scheduled District 6 meeting?

Why was the procedure of obtaining review and advice from the District 6 Council not followed?

No site plan should be approved before District 6 has a sufficient amount of time for consideration and review. The Area Plan for District 6 cites specific requirements and recommendations to ensure an "Attractive Commercial District". The area plan specifically addresses auto related businesses and street design guidelines for existing building renovations and improvements.

Despite the administrative approval of the site plan before the meeting, the site plan was presented and there was discussion that found it lacking and in conflict with the Area Plan. Less and less detail is provided each time a new site plan is submitted for approval. This project is of high importance to the neighborhood and District 6. The neighborhood and District 6 have clearly indicated concerns with this project that the City and County have disregarded and failed to take into consideration. This latest action to administratively approve a site plan, which had never been contemplated or presented to District 6, demonstrates that no regard is given to the concerns of the neighborhood directly affected by these actions.

During the August 28 meeting and in subsequent communication with District 6 many issues were raised with the approved plan that needs to be addressed if this plan is to be considered. Discussion involved the complete change to just move the pumps and leave the current building versus the new building plan, and the actions taken by the City and County.

Discussion moved to the site plan approved April 24. There were concerns in regards to access of the pump location, fuel tanker access, the handicapped access ramp, and the parking places for employees.

The location of the pumps is a critical issue, one for obvious safety concerns, but also for general traffic and congestion of vehicle and pedestrian traffic. Concerns were raised regarding the placement of the pumps in relation to the street, sidewalk, and building. The proposed location of the fuel pumps creates seriously congested foot traffic into the building from the street, parked vehicles at the pump, and in the lot parking spots. At first glance, it does not appear there is enough room for in and out going vehicle traffic, pedestrian movement, and commercial vehicles necessitating scientific verification in regards to the pump location. There is a question of whether measurements regarding the pumps location and island reconstruction are in fact accurate. Based on prior errors in previous site plans by both sides of the application and approval process it would be no surprise if the calculation were incorrect and taken from the wrong points.

The new site plan does not address the flow of the tanker traffic, which details the entry and exit points of the tanker. In the original site plan for the new building great detail and attention was paid to lock time, steering angle, and other measurables. This issue was raised at the meeting and no real explanation was provided as to why it is not in the current site plan.

The design for the handicapped accessibility necessitates that the individual would access the building by moving through the traffic flow area. There should be access to a sidewalk directly east of the parking spot and along the entire north side of the building for safety reasons.

The site plan also creates two parking spots for employees in the back of the building, which abuts the alley. The drawing depicts the spots at 90-degree angles to each other, but does not take into account that the spots call for the removal of curbing which creates problems for snow removal and parking by the owner of the home on the other side of the alley. At a certain point, the spots will become so caked with snow and ice it will make it impossible to use these spots. Consequently, the employees will try to use the alley to park making it impassable during the winter.

The employee parking spots also create an attractive nuisance. Currently access to these areas is limited, and it is more a depository for patron's trash and winter snow. The parking spot will create another pedestrian traffic lane behind the business and create even more of a problem with non-resident traffic through the current alley. The creation of the parking spots allows more access, which based on the history of this area will promote neighborhood issues.

This entire project has brought about a lot of frustration and unfulfilled expectations for the neighborhood. We were shown a new building plan which would enhance Rice Street and Maryland Avenue and encourage its use by the neighbors. It appears this action by the City is discouraging investment in the area.

ⁱ Attachment A District 6 Planning Council Task Force recommendation and modification requests

ⁱⁱ Attachment B Zoning Committee May 10th Results

ⁱⁱⁱ Attachment C Zoning Committee Staff Report and Conditional Use Permit Application

^{iv} Attachment D Planning Commission Minutes pages 1 and 9, Tom Beach response to several condition requests, Planning Commission Resolution, Tri Area Block Club letter

^v Attachment E July 11, 2012 letter from Department of Safety and Inspections denying two site plans

^{vi} Attachment F August 24, 2012 letter from Department of Safety and Inspections approving site plan

^{vii} Attachment G City of Saint Paul Planning Commission Resolution

^{viii} Attachment H Negotiated Settlement— Parcel #3 on the Rice Street at Maryland Reconstruction Project

^{ix} Attachment I Minimum Compensation Statue, M.S. 117.187

^x Attachment J District 6 Planning Council Land Use Task Force agenda

Appeal of the Approval of Site Plan 12-090127 – REEMO Gas Pump relocation at 1200 Rice Street

We, the undersigned, having received and read a copy of the above named appeal express our support for the Appellant.

Name Dan Zgo Address 119 W. Rose

Name Patricio Zango Address 119 W. Rose

Name Stephanie Dehaki Address 1185 Park Street.

Name Mark Zgo Address 1185 Park St

Name Betsy Corbett Address 101 Rose Ave W.

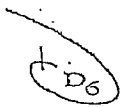
Name Lynn M. Connolly Address 105 W. Rose Ave

Name Robert P. Connolly Address 105 W. Rose Ave

Name Bernie Narci Kalsch Address 95 W. Rose Ave

Name Jim & Joette Address 111 W. Rose Ave

Name _____ Address _____



District 6 Planning Council

171 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6ed@dist6pc.org

May 2, 2012

Zoning Committee of the Planning Commission

RE: 1200 Rice Street Conditional Use Permit and Site Plan Review

At its April 24, 2012 District 6 Planning Council's Land Use Task Force meeting the Task Force met with the applicant and the architect regarding 1200 Rice Street.

John Kosmos, the architect for the rebuild updated the Task Force and the community on the submitted site plan for 1200 Rice Street rebuild.

After discussion, the Task Force recommends approving the Conditional Use Permit and the site plan with the following requested modifications:

- The trash storage area will be totally enclosed, including an overheard structure
- The space between the building and trash enclosure will be eliminated and the south section of the property will be closed off so foot traffic will be kept to a minimum
- There will be no encroachment to the alley
- Extend the partition wall on the east side of the property by using a fencing system to close off the building.
- Water management will meet with the City/County approval
- Under canopy lights that will not shine out into the street
- Adequate lighting throughout the site including the sides and back portion of the property
- Security cameras to monitor the entire site including the alley are engaged at all times with a 24 hour loop and a 45 day access to video
- Visual monitors inside the store
- Use CPTED practices
- Vents on the roof not on the sides of the building
- The desired minimum Ingress/Egress is 300 feet from the intersection so the current Ingress/Egress closest to Rose Avenue must remain

- Ingress and egress needs to meet the City of Saint Paul and Ramsey County's approval
- The applicant will utilize the Rice Street Commercial Guidelines
- The applicant follows recommendations set forth by the Site Plan review team

Thank-you for your consideration and if you have questions, please contact the office at the numbers above.

Regards,

Jeff Martens

Jeff Martens
Land Use Task Force Chairman

Cc: Ward 5
County Commissioner Janice Rettman
North End Business Association
Dan Zangs
John Kosmos

An Affirmative Action Equal Opportunity Employer



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: May 11, 2012
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of May 10, 2012 Zoning Committee Hearing

OLD BUSINESS

	<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
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1. **Grand Finn student apartments (12-037-383)**
Site plan review for a new 20-unit apartment building (5 story building with underground parking)

Approval with conditions	Denial (3 - 2) (Spaulding, Merrigan)
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Address: 2124 Grand Ave

District Comment: District 14 made no recommendation

Support: 0 people spoke, 0 letters

Opposition: 7 people spoke, 11 letters

Hearing: Hearing is closed

Motion: Denial

NEW BUSINESS

	<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
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2. **Bilal Alsadi (12-045-151)**
Conditional use permit for auto convenience market

Approval with condition	Approval with conditions (4 - 0)
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Address: 1200 Rice St
SE corner at Maryland

District Comment: District 6 recommended approval with conditions

Support: 0 people spoke, 1 letter

Opposition: 2 people spoke, 1 letter

Hearing: Hearing is closed

Motion: Approval with conditions